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Calendar No. 1105

92D CONGRESS  
2D SESSION

**S. 3342**

[Report No. 92-1160]

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IN THE SENATE OF THE UNITED STATES

MARCH 14, 1972

Mr. TUNNEY (for himself and Mr. MUSKIE) introduced the following bill;  
which was read twice and referred to the Committee on Public Works

SEPTEMBER 19, 1972

Reported by Mr. RANDOLPH, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

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**A BILL**

To amend title IV of the Clean Air Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 *That—*

4 ~~SEC. 1. This Act may be cited as the "Noise Pollution~~  
5 ~~Control Act of 1972".~~

6 ~~SEC. 2. Title IV of the Clean Air Act Amendments of~~  
7 ~~1970 is amended to read as follows:~~

8 ~~"SHORT TITLE; TABLE OF CONTENTS~~

9 ~~"SEC. 401. This Act, including the following table of~~  
10 ~~contents, may be cited as the 'Noise Pollution Control Act'.~~

II

"TABLE OF CONTENTS

"Sec. 401. Short title; table of contents.  
"Sec. 402. Findings and policy.  
"Sec. 403. Office of Noise Abatement and Control.  
"Sec. 404. Definitions.  
"Sec. 405. Research, investigation, training, and other activities.  
"Sec. 406. Federal programs.  
"Sec. 407. Noise criteria and control technology.  
"Sec. 408. Noise emission control standards for new products.  
"Sec. 409. Labeling.  
"Sec. 410. Imports.  
"Sec. 411. Prohibited acts.  
"Sec. 412. Enforcement.  
"Sec. 413. Citizen suits.  
"Sec. 414. Records, reports, and information.  
"Sec. 415. Grants for support of noise pollution planning and control programs.  
"Sec. 416. Development of low-noise-emission products.  
"Sec. 417. Authorization of appropriations.

"FINDINGS AND POLICY

"SEC. 402. (a) The Congress finds—

"(1) that noise pollution presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas;

"(2) that the major sources of noise emissions include aircraft, vehicles, machinery, appliances, and other products in commerce; and

"(3) that, while primary responsibility for control of noise pollution rests with State and local governments, Federal regulatory action is essential to deal with major noise emission sources, and Federal assistance is necessary to encourage and support programs for the control of ambient noise levels.

"(b) The Congress declares that it is the policy of the

United States to promote an environment for all Americans

1 free from noise that jeopardizes their health or welfare. To  
2 that end, it is the purpose of this Act to establish a means  
3 for effective coordination of Federal research and activities  
4 in noise pollution control; to authorize the establishment of  
5 Federal noise emission standards for new products; to pro-  
6 vide information to the public of the noise emission and noise  
7 reduction characteristics of new products; to encourage and  
8 support State and municipal programs for the control of  
9 ambient noise levels through planning and program grants  
10 to State and local noise pollution control agencies; and to  
11 provide information to the public on the control of noise  
12 pollution through regulation of use of products and other  
13 methods and procedures to eliminate noise pollution.

14 “(c) Public participation in the development, revision,  
15 and enforcement of any regulation or noise emission standard  
16 established by the Administrator or any State or municipality  
17 under this Act shall be provided for, encouraged, and assisted  
18 by the Administrator and the States and municipalities. The  
19 Administrator, in cooperation with the States and municipal-  
20 ities, within ninety days after enactment of this section, shall  
21 develop and publish regulations specifying minimum guide-  
22 lines for public participation in such processes.

23 “OFFICE OF NOISE ABATEMENT AND CONTROL

24 “SEC. 403. (a) The Administrator shall establish within  
25 the Environmental Protection Agency an Office of Noise

1 Abatement and Control, and shall carry out through such  
2 Office a full and complete investigation and study of noise  
3 and its effect on the public health and welfare and admin-  
4 ister the provisions of this Act.

5       “(b) The Administrator is authorized to prescribe such  
6 regulations as are necessary to carry out his function under  
7 this Act. The Administrator may delegate to any officer or  
8 employee of the Environmental Protection Agency such of  
9 his powers and duties under this Act, except the making of  
10 regulations, as he may deem necessary or expedient.

11       “(c) Upon the request of a noise pollution control  
12 agency, personnel of the Environmental Protection Agency  
13 may be detailed to such agency for the purpose of carrying  
14 out the provisions of this Act.

15       “(d) Payments under grants made under this Act may  
16 be made in installments, and in advance or by way of re-  
17 imbursement, as may be determined by the Administrator.

18                       “DEFINITIONS

19       “SEC. 404. For purposes of this Act:

20               “(a) The term ‘Administrator’ means the Admin-  
21 istrator of the Environmental Protection Agency.

22               “(b) The term ‘person’ means an individual, cor-  
23 poration, partnership, or association, and (except as  
24 provided in sections 412(d) and 413(a)(1) of this  
25 Act) includes any officer, employee, department, agency,

1 or instrumentality of the United States, a State, or any  
2 political subdivision of a State.

3 “(c) The term ‘product’ means any manufactured  
4 article or goods or component thereof; except that such  
5 term does not include to the extent provided by regu-  
6 lations of the Administrator (1) any military aircraft,  
7 weapons, or equipment which are designed for combat  
8 use; or (2) any aircraft, rockets, or equipment which  
9 are designed for research, experimental, or develop-  
10 mental work to be performed by the National Aero-  
11 nautics and Space Administration.

12 “(d) The term ‘ultimate purchaser’ means the first  
13 person who in good faith purchases a product for pur-  
14 poses other than resale.

15 “(e) The term ‘new product’ means a product the  
16 equitable or legal title to which has never been trans-  
17 ferred to an ultimate purchaser.

18 “(f) The term ‘manufacturer’ means any person  
19 engaged in the manufacturing, assembling, or importing  
20 of new products, or who acts for, and is controlled by,  
21 any such person in connection with the distribution of  
22 such products.

23 “(g) The term ‘commerce’ means trade, traffic,  
24 commerce or transportation—

1           ~~“(1) between a place in a State and any place~~  
2           ~~outside thereof, or~~

3           ~~“(2) which affects trade, traffic, commerce, or~~  
4           ~~transportation described in paragraph (1) of this~~  
5           ~~subsection.~~

6           ~~“(h) The term ‘State’ includes the District of~~  
7           ~~Columbia, the Commonwealth of Puerto Rico, the Vir-~~  
8           ~~gin Islands, American Samoa, Guam, and the Trust Ter-~~  
9           ~~ritory of the Pacific Islands.~~

10          ~~“(i) The term ‘Federal agency’ means any depart-~~  
11          ~~ment, agency, or instrumentality of the United States.~~

12          ~~“(j) The term ‘noise pollution control agency’ means~~  
13          ~~any of the following:~~

14                 ~~“(1) A single State agency designated by the~~  
15                 ~~Governor of that State as the official State noise~~  
16                 ~~pollution control agency for purposes of this Act;~~

17                 ~~“(2) An agency established by two or more~~  
18                 ~~States and having substantial powers or duties per-~~  
19                 ~~taining to the prevention and control of noise pol-~~  
20                 ~~lution;~~

21                 ~~“(3) A city, county, or other local government~~  
22                 ~~authority charged with responsibility for enforcing~~  
23                 ~~ordinances or laws relating to the prevention and~~  
24                 ~~control of noise pollution; or,~~

25                 ~~“(4) An agency of two or more municipalities~~

1        located in the same State or in different States and  
2        having substantial powers or duties pertaining to  
3        the prevention and control of noise pollution.

4           “(k) The term ‘municipality’ means a city, town,  
5       borough, county, parish, district, or other public body  
6       created by or pursuant to State law.

7 "RESEARCH, INVESTIGATION, TRAINING, AND OTHER  
8 ACTIVITIES

9           “~~SEC. 405. (a)~~ The Administrator shall establish a na-  
10   tional research and development program for the prevention  
11   and control of noise pollution and as part of such program  
12   shall—

13           “(1) conduct, and promote the coordination and ac-  
14           celeration of, research, investigations, experiments, train-  
15           ing, demonstrations, surveys, and studies relating to the  
16           causes, effects, extent, prevention, and control of noise  
17           pollution;

18           ~~“(2) conduct and finance research by contract with~~  
19           any person, on the effects, measurement, and control of  
20           noise, including but not limited to—

21                   ~~“(A) investigation of the direct or indirect~~  
22                   ~~effects of noise on humans (including physiological~~  
23                   ~~and psychological effects); and the direct or indirect~~  
24                   ~~effects of noise on domestic animals, fish, wildlife,~~

1 and property; and determination of acceptable levels  
2 of noise on the basis of such effects; and

3 ~~“(B)~~ development of improved methods and  
4 standards for measurement and monitoring of noise;  
5 in cooperation with the National Bureau of Stand-  
6 ards, Department of Commerce.

7 ~~“(3)~~ encourage, cooperate with, and render tech-  
8 nical services (including the drafting of model ordi-  
9 nances) and provide financial assistance to noise pollu-  
10 tion control agencies and other appropriate public or  
11 private agencies, institutions and organizations, and  
12 individuals in the conduct of such activities;

13 ~~“(4)~~ conduct investigations and research and make  
14 surveys concerning any specific problem of noise pollu-  
15 tion in cooperation with any noise pollution control  
16 agency with a view to recommending a solution of such  
17 problem; if he is requested to do so by such agency or  
18 if, in his judgment, such problem may affect any com-  
19 munity or communities in a State other than that in  
20 which the source of the matter causing or contributing  
21 to the pollution is located; and

22 ~~“(5)~~ establish technical advisory committees com-  
23 posed of recognized experts in various aspects of noise  
24 pollution to assist in the examination and evaluation of  
25 research progress and proposals and to avoid duplication

26



1       ~~“(b) In carrying out the provisions of the preceding~~  
2 subsection the Administrator is authorized to—

3       ~~“(1) collect and make available, through publica-~~  
4 tions and other appropriate means, the results of ac-  
5 tivities pursuant to subsection ~~(a)~~ and other informa-  
6 tion, including appropriate recommendations by him  
7 in connection therewith, pertaining to such research  
8 and other activities;

9       ~~“(2) cooperate with other Federal departments and~~  
10 agencies, with noise pollution control agencies, with  
11 other public and private agencies, institutions, and or-  
12 ganizations, and with any industries involved, in the  
13 preparation and conduct of such research and other  
14 activities;

15       ~~“(3) makes grants to noise pollution control agen-~~  
16 eies, to other public or nonprofit private agencies,  
17 institutions and organizations, and to individuals, for  
18 purposes stated in subsection ~~(a)~~ of this section;

19       ~~“(4) contract with public or private agencies, insti-~~  
20 tutions and organizations, and with individuals, without  
21 regard to sections 3648 and 3709 of the Revised  
22 Statutes ~~(34 U.S.C. 529; 41 U.S.C. 5)~~;

23       ~~“(5) provide training for, and make training grants~~  
24 to personnel of noise pollution control agencies and other  
25 persons with suitable qualifications;

1           “(6) establish and maintain research fellowships, in  
2           the Environmental Protection Agency and at public or  
3           nonprofit private educational institutions or research  
4           organizations;

5           “(7) collect and make available through publica-  
6           tions and other appropriate means, in cooperation with  
7           other Federal departments and agencies, and with other  
8           public or private agencies, institutions, and organiza-  
9           tions having related responsibilities, basic data on physi-  
10          cal, and human and other effects of varying levels of  
11          noise pollution and other information pertaining to noise  
12          pollution and the prevention and control thereof; and

13          “(8) develop effective and practical processes,  
14          methods, and prototype devices for the prevention or  
15          control of noise pollution.

16          “(e) In carrying out the provisions of subsection (a) of  
17          this section the Administrator shall conduct research on,  
18          and survey the results of other scientific studies on, the  
19          harmful effects on the health or welfare of persons by the  
20          various known noise pollution sources.

21          “(d) In carrying out research pursuant to this Act, the  
22          Administrator shall give special emphasis to research on  
23          the short- and long-term effects of noise pollution on public  
24          health and welfare.

1                   ~~"FEDERAL PROGRAMS~~

2           ~~"SEC. 406. (a) The Congress authorizes and directs that~~  
3   Federal agencies shall, to the fullest extent consistent with  
4   their authority under Federal laws administered by them,  
5   carry out the programs within their control in such a  
6   manner as to further the policy declared in section 402  
7   of this Act.

8           ~~"(b)(1) The Administrator shall coordinate the pro-~~  
9   grams of all Federal agencies relating to noise pollution  
10   research and noise pollution control. Each Federal agency  
11   shall, upon request, furnish to the Administrator such  
12   information as he may reasonably require, to determine, as  
13   provided under section 309 of the Clean Air Act, if the  
14   nature, scope, and results of the noise-research and noise  
15   pollution control programs of the agency are consistent with  
16   the purposes of this Act.

17          ~~"(2) Each Federal agency shall consult with the Ad-~~  
18   ministrator in prescribing any regulations respecting noise  
19   pollution. If at any time the Administrator has reason to  
20   believe that a standard or regulation, or any proposed stand-  
21   ard or regulation of any Federal agency, respecting noise,  
22   does not protect the public health and welfare to the extent  
23   he believes to be required he may request such agency to re-  
24   view and report to him on the advisability of revising such

1 standard or regulation to provide such protection. Any such  
2 request shall be published in the Federal Register and shall  
3 be accompanied by a detailed statement of the information  
4 on which it is based. Such agency shall complete the re-  
5 quested review and report to the Administrator within 90  
6 days of the date of the publication in the Federal Register  
7 of the request. The report shall be published in the Federal  
8 Register and shall be accompanied by a detailed statement of  
9 the findings and conclusions of the agency respecting the  
10 revision of its standard or regulation.

11       “(3) On the basis of regular consultation with appro-  
12 priate Federal agencies, the Administrator shall compile and  
13 publish annually a report on the status and progress of  
14 Federal activities relating to noise pollution research and  
15 noise pollution control. This report shall describe the noise  
16 pollution control programs of each Federal agency and assess  
17 the contributions of those programs to the Federal Govern-  
18 ment’s overall efforts to control noise pollution.

19       “NOISE CRITERIA AND CONTROL TECHNOLOGY

20       “SEC. 407. (a) The Administrator shall, after consul-  
21 tation with appropriate Federal, State, and municipal agen-  
22 cies, within 1 year after date of enactment of this section,  
23 develop and publish such ambient noise criteria as in his  
24 judgment are adequate for the protection of the public  
25 health and welfare. Such criteria shall reflect the scientific

1 knowledge most useful in indicating the kind and extent of all  
2 identifiable effects on the public health or welfare which may  
3 be expected from differing quantities and qualities of noise.

4 ~~(b)~~ The Administrator, after consultation with appro-  
5 priate Federal, State, and municipal agencies, shall within 9  
6 months after date of enactment of this section compile and pub-  
7 lish a report or series of reports ~~(1)~~ identifying products ~~(or~~  
8 classes of products) which in his judgment are major sources  
9 of noise, and ~~(2)~~ giving information on techniques for control  
10 of noise from such sources. This information shall include such  
11 data as are available on the technology, costs, and alternative  
12 methods of noise control.

13 ~~“(c)~~ The Administrator, after consultation with appro-  
14 priate Federal, State, and municipal agencies shall compile and  
15 provide information on methods and techniques of controlling  
16 noise pollution through, among other means, product use con-  
17 trol, land use regulation, and construction and building stand-  
18 ards. Such information shall be compiled and published to assist  
19 State and local governments in establishing and enforcing noise  
20 pollution control programs supported under section 415 of this  
21 Act.

22 ~~“(d)~~ The Administrator shall from time to time review  
23 and, as appropriate, revise or supplement any criteria or reports  
24 published under this section.

25 ~~“(e)~~ Any report under subsection ~~(b)~~ (1) of this section

1 identifying major noise sources shall be published in the Federal  
2 Register. The publication or revision of any criteria or informa-  
3 tion on control techniques under this section shall be announced  
4 in the Federal Register, and copies shall be made available to  
5 the general public.

6 "NOISE EMISSION CONTROL STANDARDS FOR NEW  
7 PRODUCTS

8 "SEC. 408. ~~(a) (1)~~ The Administrator shall publish pro-  
9 posed regulations establishing noise emission control stand-  
10 ards for new products or classes of products—

11 "(A) identified in any report published under sec-  
12 tion 407 ~~(b) (1)~~ of this Act as a major source of noise, and

13 "(B) which falls in one of the following categories:

14 "(i) Construction equipment.

15 "(ii) Transportation equipment (including rec-  
16 reational vehicles and related equipment).

17 "(iii) Any motor or engine (including any equip-  
18 ment of which an engine or motor is an integral part).

19 "(iv) Turbines and compressors.

20 "(v) Electrical and electronic equipment.

21 "~~(vi)~~ Percussion and explosive equipment.

22 "~~(2) (A)~~ Initial proposed regulations under paragraph  
23 ~~(1)~~ shall be promulgated not later than eighteen months  
24 after the date of enactment of this Act, and shall apply to  
25 any appropriate new product described in paragraph ~~(1)~~.

1 which is identified ~~(or in a class identified)~~ in any report  
2 published under section 407(b)(1) of this Act on or before  
3 the date of publication of such initial proposed regulations:

4 ~~(B)~~ In the case of any new product described in para-  
5 graph ~~(1)~~ which is identified ~~(or is part of a class identi-~~  
6 ~~fied)~~ as a major source of noise in a report published under  
7 section 407(b)(1) of this Act after publication of the initial  
8 proposed regulations under subparagraph ~~(A)~~ of this para-  
9 graph, regulations under paragraph ~~(1)~~ of this subsection  
10 for such new product shall be proposed and published by the  
11 Administrator not later than nine months after such report  
12 is published.

13 ~~“(3)~~ After proposed regulations have been published  
14 under paragraph ~~(2)~~ of this subsection respecting a new  
15 product, the Administrator shall promulgate regulations  
16 establishing noise emission standards for such new product  
17 not later than six months after publication of such proposed  
18 regulations.

19 ~~“(b)~~ The Administrator may publish proposed regula-  
20 tions establishing noise emission standards respecting any  
21 new product for which he is not required to establish stand-  
22 ards under subsection ~~(a)~~ of this section but for which, in his  
23 judgment, noise emission standards are requisite to protect  
24 the public health and welfare. Not earlier than six months;  
25 nor later than nine months, after the date of publication of

1 such regulations respecting such new product, he shall pro-  
2 mulgate regulations establishing noise emission standards for  
3 such new product.

4       “(c) (1) Any noise emission control standard pre-  
5 scribed under subsection (a) or (b) of this section respect-  
6 ing a new product shall set limits on noise emissions from  
7 such new product and shall be a standard which in the  
8 Administrator's judgment, based on criteria published under  
9 section 407 of this Act, is adequate to protect the public  
10 health and welfare. In establishing such standards for any  
11 new product the Administrator shall give appropriate con-  
12 sideration to the cost of compliance (taking into account the  
13 useful life of the product) and standards under other laws  
14 respecting emission of air or water pollutants and safety,  
15 including (but not limited to) any standard under the Na-  
16 tional Traffic and Motor Vehicle Safety Act of 1966, the  
17 Clean Air Act, or the Federal Water Pollution Control Act.  
18 Any standard prescribed under subsection (a) or (b) of  
19 this section shall be a performance standard.

20       “(2) After publication of any proposed regulations  
21 under this section, the Administrator shall allow the public  
22 an opportunity to participate in rulemaking in accordance  
23 with the first sentence of section 553(c) of title 5, United  
24 State Code.



1       “(3) The Administrator may revise any noise emission  
2   control standard prescribed by him by (A) publication of  
3   proposed regulations to revise such standard, (B) public  
4   participation in such rulemaking in accordance with para-  
5   graph (2) of this subsection, and (C) the promulgation,  
6   not earlier than six months, nor later than nine months,  
7   after the date of such publication, or regulations making the  
8   revision.

9       “(d) (1) Subject to paragraph (2) of this subsection,  
10   no State or political subdivision thereof may adopt or enforce,  
11   with respect to (A) any new product for which a noise  
12   emission control standard has been prescribed by the Ad-  
13   ministrator under this section or (B) any component in-  
14   corporated into such new product by the manufacturer of  
15   such new product, any standard setting a limit on noise  
16   emissions from such product which is not identical to the  
17   standard prescribed by the Administrator.

18       “(2) Nothing in this section shall diminish or enhance  
19   the rights of any State or political subdivision thereof to  
20   establish and enforce standards or controls on ambient levels  
21   of noise through decibel limits more stringent than those es-  
22   tablished for products pursuant to this section, or to control,  
23   license, regulate, or restrict the use, operation, or movement  
24   of any product.

1                                   ~~"LABELING~~

2           ~~"SEC. 409. (a) The Administrator shall by regulation~~  
3 ~~designate any new product (or class thereof)—~~

4                   ~~"(1) which emits noise capable of adversely affect-~~  
5 ~~ing the public health or welfare; or~~

6                   ~~"(2) which is sold wholly or in part on the basis of~~  
7 ~~its effectiveness in reducing noise.~~

8           ~~"(b) For each new product (or class) designated under~~  
9 ~~subsection (a) of this section the Administrator shall by~~  
10 ~~regulation require (at his option) either (1) that a notice~~  
11 ~~of the level of noise emission, or notice of the effectiveness~~  
12 ~~in reducing noise (as the case may be), be affixed to the new~~  
13 ~~product and to the outside of its container at the time of its~~  
14 ~~sale to the ultimate purchaser, or (2) that such notice of such~~  
15 ~~level or effectiveness otherwise be given to the prospective~~  
16 ~~user. He shall prescribe the form of the notice and the meth-~~  
17 ~~ods and units of measurement to be used for this purpose.~~  
18 ~~Section 408 (c) (2) shall apply to the promulgation of any~~  
19 ~~regulation under this section.~~

20           ~~"(c) This section does not prevent any State or political~~  
21 ~~subdivision thereof from regulating product labeling in any~~  
22 ~~way not in conflict with regulations promulgated by the Ad-~~  
23 ~~ministrator under this section.~~

24                                   ~~"IMPORTS~~

25           ~~"SEC. 410. The Secretary of the Treasury shall, in con-~~  
26 ~~sultation with the Administrator, issue regulations to carry~~

1 out the provisions of this Act with respect to products im-  
2 ported or offered for importation.

3 "PROHIBITED ACTS

4 "SEC. 411. (a) Except as otherwise provided in subsec-  
5 tion (b) of this section, the following acts or the causing  
6 thereof are prohibited:

7 "(1) In the case of a manufacturer, the sale in,  
8 the offering for sale in, or the introduction or delivery for  
9 introduction into, commerce of any new products man-  
10 ufactured after the effective date of noise emission con-  
11 trol standards prescribed under section 408 of this Act  
12 which are applicable to such product, unless such prod-  
13 uct is in conformity with such standards.

14 "(2) (A) The removal or rendering inoperative by  
15 any person, other than for purposes of maintenance,  
16 repair, or replacement, of any device or element of  
17 design incorporated into any product in compliance with  
18 noise emission standards promulgated under section 408  
19 of this Act prior to its sale or delivery to the ultimate  
20 purchaser or during its term of use, or (B) the use of a  
21 product after such device or element of design has been  
22 removed or rendered inoperative.

23 "(3) In the case of a manufacturer, the sale in,  
24 the offering for sale in, or the introduction or delivery  
25 for introduction into, commerce of any new product

1       manufactured after the effective date of regulations pro-  
2       mulgated under section 409(b) of this Act (requiring  
3       information respecting noise) which are applicable to  
4       such product, unless it is in conformity with such  
5       regulations.

6       “(4) The removal by any person of any notice  
7       affixed to a product or container pursuant to regulations  
8       promulgated under section 409(b) of this Act prior to  
9       the sale of the new product to the ultimate purchaser.

10       “(5) The importation into the United States by  
11       any person of any new product in violation of regula-  
12       tions promulgated under section 410 of this Act that  
13       are applicable to such product.

14       “(b) The Administrator may after public hearings  
15       exempt for a specified period of time not to exceed one year,  
16       any new product, or class thereof, from paragraphs (1),  
17       (2), (3), and (5) of subsection (a) of this section upon  
18       such terms and conditions as he may find necessary to protect  
19       the public health or welfare for the purpose of research, in-  
20       vestigations, studies, demonstrations, or training, or for rea-  
21       sons of national security.

22                               “ENFORCEMENT

23       “SEC. 412. (a) Any person who willfully or negligently  
24       violates paragraph (1), (3), or (5) of subsection (a) of  
25       section 411 of this Act shall be punished by a fine of not

1 more than \$25,000 per day of violation, or by imprisonment  
2 for not more than one year, or by both. In the case of a  
3 violation of paragraph ~~(1)~~ of subsection ~~(a)~~ of section 411  
4 of this Act the fine shall be not less than \$2,500 per day of  
5 violation. If the conviction is for a violation committed after  
6 a first conviction of such person under this paragraph, pun-  
7 ishment shall be by a fine of not more than \$50,000 per day  
8 of violation, or by imprisonment for not more than two years,  
9 or by both.

10 “~~(b)(1)~~ Any person who violates paragraph ~~(2)~~ or  
11 paragraph ~~(4)~~ of section 411~~(a)~~ of this Act shall be subject  
12 to a civil penalty of not more than \$5,000 for each violation.  
13 Such penalty may be assessed by the Administrator and  
14 collected in a civil action brought by the United States in  
15 a United States district court, or assessed by a State which  
16 is a party to an agreement under subsection ~~(c)~~ of this  
17 section and collected in a civil action brought by such State  
18 in a court of such State as provided in such subsection.

19 “~~(2)~~ In any proceeding by the Administrator ~~(or a~~  
20 ~~State)~~ to assess a civil penalty under this subsection, no  
21 penalty shall be assessed until the person charged shall have  
22 been given notice and an opportunity to present his views  
23 on such charge. In determining the amount of the penalty,  
24 or the amount agreed upon in compromise, the Administrator  
25 ~~(or such State)~~ shall consider the gravity of the violation

1 and the demonstrated good faith of the person charged in  
2 attempting to achieve rapid compliance after notification by  
3 the Administrator (or such State) of a violation.

4       “(3) In the case of any civil penalty assessed against  
5 any person by the Administrator under this subsection, if  
6 the Administrator's determination that such person is liable  
7 for such penalty is made on the record after notice and  
8 opportunity for hearing, then in any civil action to collect  
9 such penalty (and in any other civil action reviewing such  
10 determination of the Administrator) any findings of fact  
11 on which such determination is based shall be conclusive if  
12 supported by substantial evidence on the record considered  
13 as a whole.

14       “(4) For the purpose of this subsection, each day of  
15 violation of paragraphs (2) or (4) of section 411(a) of this  
16 Act shall constitute a separate violation of that paragraph.

17       “(e) The district courts of the United States shall have  
18 jurisdiction of actions brought by and in the name of the  
19 United States to restrain any violations of section 411(a) of  
20 this Act.

21       “(d) When authorized by State law—

22       “(1) The Administrator may, by agreement with  
23 any State, with or without reimbursement, authorize  
24 law enforcement officers or other officers or employees  
25 of such State to assess civil penalties under subsection

1     ~~(b)(1)~~ of this section, and to bring civil actions in the  
2     appropriate State courts to assess such civil penalties  
3     or to restrain any person from violating subsection ~~(b)~~  
4     of this section.

5             ~~“(2)~~ The courts of such State may entertain any  
6     such civil action.

7     In any action under this subsection to collect a civil penalty,  
8     the penalty shall be payable one-half to the State and one-  
9     half to the United States Treasury. Nothing in this subsec-  
10    tion shall affect the authority of a State to commence a civil  
11    action under section 413 of this Act.

12            ~~“(e)~~ The term ‘person’ as used in this section, does not  
13    include a department, agency, or instrumentality of the  
14    United States.

15                             ~~“CITIZEN SUITS~~

16            ~~“SEC. 413. (a)~~ Except as provided in subsection ~~(b)~~  
17    of this section, any person may commence a civil action on  
18    his own behalf—

19                    ~~“(1)~~ against any person ~~(including (A) the United~~  
20    States, and ~~(B) any other governmental instrumentality~~  
21    or agency to the extent permitted by the eleventh  
22    amendment to the Constitution) who is alleged to be in  
23    violation of any noise control requirement ~~(as defined~~  
24    in subsection ~~(e)~~ of this section), or

25                    ~~“(2)~~ against—

1           ~~“(A) the Administrator of the Environmental~~  
2           ~~Protection Agency where there is alleged a failure of~~  
3           ~~such Administrator to perform any act or duty under~~  
4           ~~this Act which is not discretionary with such~~  
5           ~~Administrator.~~

6           ~~“(B) the Administrator of the Federal Aviation~~  
7           ~~Administration where there is alleged a failure of~~  
8           ~~such Administrator to perform any act or duty under~~  
9           ~~section 611 of the Federal Aviation Act of 1958~~  
10          ~~which is not discretionary with such Administrator.~~

11          The district courts of the United States shall have jurisdic-  
12          tion, without regard to the amount in controversy, to enforce  
13          such noise control requirement or to order such Administra-  
14          tor to perform such act or duty, as the case may be.

15          ~~“(b) No action may be commenced—~~

16          ~~“(1) under subsection (a)(1) of this section—~~

17                 ~~“(A) prior to sixty days after the plaintiff has~~  
18                 ~~given notice of the violation (i) to the Adminis-~~  
19                 ~~trator of the Environmental Protection Agency~~  
20                 ~~(and to the Federal Aviation Administrator in the~~  
21                 ~~case of a violation of a noise emission control re-~~  
22                 ~~quirement under section 611 of the Federal Aviation~~  
23                 ~~Act as amended) and (ii) to any alleged violator~~  
24                 ~~of such requirement, or~~

25                 ~~“(B) if an Administrator has commenced and~~



1 is diligently prosecuting a civil action to require  
2 compliance with the noise control requirement, but  
3 in any such action in a court of the United States  
4 any person may intervene as a matter of right; or  
5 ~~“(2) under subsection (a) (2) of this section prior~~  
6 ~~to sixty days after the plaintiff has given notice to the~~  
7 ~~defendant that he will commence such action.~~

8 Notice under this subsection shall be given in such manner  
9 as the Administrator of the Environmental Protection  
10 Agency shall prescribe by regulation.

11 ~~“(c) In an action under this section, the Administra-~~  
12 ~~tor of the Environmental Protection Agency, if not a party,~~  
13 ~~may intervene as a matter of right.~~

14 ~~“(d) Nothing in this section shall restrict any right~~  
15 ~~which any person (or class of persons) may have under~~  
16 ~~any statute or common law to seek enforcement of any~~  
17 ~~noise control requirement or to seek any other relief (includ-~~  
18 ~~ing relief against an Administrator).~~

19 ~~“(e) For purposes of this section, the term ‘noise con-~~  
20 ~~trol requirement’ means any requirement of section 411(a)~~  
21 ~~or a prohibition, standard, rule, or regulation issued under~~  
22 ~~section 611 or section 307 of the Federal Aviation Act of~~  
23 ~~1958, as amended by the Noise Pollution Control Act of~~  
24 ~~1972.~~

1           ~~"RECORDS, REPORTS, AND INFORMATION~~

2           ~~"SEC. 414. (a)~~ Such manufacturer of a new product to  
3    which standards under section 408 of this Act or regulations  
4    under section 409 apply shall ~~(1)~~ establish and maintain  
5    such records, make such reports, provide such information,  
6    and make such tests, as the Administrator may reasonably  
7    require to enable him to determine whether such manufac-  
8    turer has acted or is acting in compliance with this Act, ~~(2)~~  
9    upon request of an officer or employee duly designated by  
10   the Administrator, permit such officer or employee at rea-  
11  sonable times to have access to such information and the  
12  results of such tests and to copy such records, and ~~(3)~~ make  
13  new products coming off the assembly line or otherwise in  
14  the hands of the manufacturer available for testing by the  
15  Administrator, to the extent required by regulations of the  
16  Administrator.

17       ~~"(b)~~ Any records, reports or information obtained  
18   under subsection ~~(a)~~ of this section shall be available to the  
19   public, except that upon a showing satisfactory to the Ad-  
20   ministrator by any person that records, reports, or informa-  
21   tion or particular part thereof ~~(other than noise emission~~  
22   ~~data)~~ to which the Administrator has access under this  
23   section if made public, would divulge methods or processes  
24   entitled to protection as trade secrets of such person, the  
25   Administrator shall consider such record, report, or informa-

1 tion or particular portion thereof confidential in accordance  
2 with the purposes of section 1905 of title 18 of the United  
3 States Code, except that such record, report, or information  
4 may be disclosed to other officers, employees, or authorized  
5 representatives of the United States concerned with carrying  
6 out this Act or when relevant in any proceeding under this  
7 Act.

8       “(e) Any person who knowingly makes any false state-  
9 ment, representation, or certification in any application,  
10 record, report, plan, or other document filed or required to be  
11 maintained under this Act or who falsifies, tampers with, or  
12 knowingly renders inaccurate any monitoring device or  
13 method required to be maintained under this Act, shall upon  
14 conviction, be punished by a fine of not more than \$10,000,  
15 or by imprisonment for not more than six months, or by  
16 both.

17       “GRANTS FOR SUPPORT OF NOISE POLLUTION PLANNING  
18                               AND CONTROL PROGRAMS

19       “SEC. 415. (a) (1) (A) The Administrator may make  
20 grants to noise pollution control agencies in an amount up  
21 to two-thirds of the cost of planning, developing, establish-  
22 ing, or improving, and up to one-half of the cost of main-  
23 taining, programs for the prevention and control of noise  
24 pollution.

25       “(B) The Administrator may make grants to noise pol-

1 lution control agencies within the meaning of paragraphs  
2 ~~(2)~~ or ~~(4)~~ of subsection ~~(j)~~ of section 404 of this Act in  
3 an amount up to three-fourths of the cost of planning, de-  
4 veloping, establishing, or improving, and up to three-fifths  
5 of the cost of maintaining, any programs for the prevention  
6 and control of noise pollution in an area that includes two or  
7 more municipalities, whether in the same or different States.

8       ~~“(2) Before approving any grant under this subsection~~  
9 ~~to any noise pollution control agency within the meaning~~  
10 ~~of sections 404(j)(3) and 404(j)(4) the Adminis-~~  
11 ~~trator shall receive assurances that such agency provides~~  
12 ~~for adequate representation of appropriate State, interstate,~~  
13 ~~local, public and (when appropriate) international, interests~~  
14 ~~in its area of jurisdiction.~~

15       ~~“(3) Before approving any planning grant under~~  
16 ~~this subsection to any noise pollution control agency within~~  
17 ~~the meaning of sections 404(j)(3) and 404(j)(4)~~  
18 ~~the Administrator shall receive assurances that such agency~~  
19 ~~has the capability of developing a comprehensive noise pol-~~  
20 ~~lution control plan.~~

21       ~~“(4) Before approving any operating grant under this~~  
22 ~~section to any noise pollution control agency within the~~  
23 ~~meaning of section 404 of this Act, the Administrator shall~~  
24 ~~determine that such agency has the authority—~~

25       ~~“(A) to regulate the location, modification, and~~

1 construction of any facilities within the area of juris-  
2 diction of such agency which may result in the gener-  
3 ation of noise pollution; and

4 “(B) to assure that the use of any product in the  
5 area of jurisdiction of such agency will not exceed  
6 applicable noise control levels;

7 “(C) to (i) identify, if appropriate, sources of  
8 ambient noise pollution within the jurisdiction of such  
9 agency, and (ii) set forth procedures, processes, and  
10 methods (including land use requirements and design and  
11 construction standards) to control such sources to the  
12 extent feasible;

13 “(D) to assist citizens (including making avail-  
14 able noise monitoring facilities for immediate dispatch)  
15 in enforcing provision of any noise pollution control  
16 plan applicable to the area of jurisdiction of such  
17 agency; and

18 “(E) to issue abatement orders on its own deter-  
19 mination, or at the request of citizens as provided un-  
20 der subparagraph (D) of this paragraph.

21 “(b) From the sums available for the purposes of sub-  
22 section (a) of this section for any fiscal year, the Admin-  
23 istrator shall from time to time make grants to noise pollu-  
24 tion control agencies upon such terms and conditions as the  
25 Administrator may find necessary to carry out the purposes

1 of this section. In establishing regulations for the granting  
2 of such funds the Administrator shall, so far as practicable,  
3 give due consideration to ~~(1)~~ the population, ~~(2)~~ the  
4 extent of the actual or potential noise pollution problem,  
5 and ~~(3)~~ the financial need of the respective agencies. No  
6 agency shall receive any grant under this section with re-  
7 spect to the maintenance of a program for the prevention  
8 and control of noise pollution unless the Administrator is  
9 satisfied that such grant will be so used as to supplement  
10 and, to the extent practicable, increase the level of State,  
11 local, or other non-Federal funds that would in the absence  
12 of such grant be made available for the maintenance of such  
13 program, and will in no event supplant such State, local,  
14 or other non-Federal funds. No grant shall be made under  
15 this section until the Administrator has consulted with the  
16 appropriate official as designated by the Governor or Gov-  
17 ernors of the State or States affected.

18       ~~“(c)~~ Not more than 10 per centum of the total of funds  
19 appropriated or allocated for the purposes of subsection ~~(a)~~  
20 of this section shall be granted for noise pollution control  
21 programs in any one State. In the case of a grant for a pro-  
22 gram in an area crossing State boundaries, the Administrator  
23 shall determine the portion of such grant that is chargeable  
24 to the percentage limitation under this subsection for each  
25 State into which such area extends.

1       ~~“(d) The Administrator, with the concurrence of any~~  
2       ~~recipient of a grant under this section, may reduce the pay-~~  
3       ~~ments to such recipient by the amount of the pay, allowances,~~  
4       ~~traveling expenses, and any other costs in connection with~~  
5       ~~the detail of any officer or employee to the recipient under~~  
6       ~~section 403(c) of this Act, when such detail is for the~~  
7       ~~convenience of, and at the request of, such recipient and for~~  
8       ~~the purposes of carrying out the provisions of this Act. The~~  
9       ~~amount by which such payments have been reduced shall be~~  
10       ~~available for payment of such costs by the Administrator,~~  
11       ~~but shall, for the purpose of determining the amount of any~~  
12       ~~grant to a recipient under subsection (a) of this section, be~~  
13       ~~deemed to have been paid to such agency.~~

14       ~~“(e) There is authorized to be appropriated for this~~  
15       ~~section \$5,000,000 for fiscal year ending June 30, 1973,~~  
16       ~~\$7,500,000 for the fiscal year ending June 30, 1974, and~~  
17       ~~\$10,000,000 for the fiscal year ending June 30, 1975.~~

18       ~~“DEVELOPMENT OF LOW NOISE-EMISSION PRODUCTS~~

19       ~~“SEC. 406. (a) For the purpose of this section:~~

20               ~~“(1) The term “Committee” means the Low-~~  
21       ~~Noise-Emission Product Advisory Committee.~~

22               ~~“(2) The term “Federal Government” includes the~~  
23       ~~legislative, executive, and judicial branches of the Gov-~~  
24       ~~ernment of the United States, and the government of the~~  
25       ~~District of Columbia.~~

1           ~~“(3)~~ The term “low-noise-emission product” means  
2           any product which emits noise in amounts significantly  
3           below the levels of other products in the competitive  
4           market for such product at the time of procurement.

5           ~~“(4)~~ The term “retail price” means (A) the maxi-  
6           mum statutory price applicable to any type of product;  
7           or (B) in any case where there is no applicable maxi-  
8           mum statutory price, the most recent procurement price  
9           paid for any type of product.

10          ~~“(b) (1)~~ The Administrator shall determine which  
11          products qualify as low-noise-emission products in accord-  
12          ance with the provisions of this section.

13          ~~“(2)~~ The Administrator shall certify any product—

14               ~~“(A)~~ for which a certification application has been  
15               filed in accordance with paragraph ~~(5) (A)~~ of this sub-  
16               section;

17               ~~“(B)~~ which is a low-noise-emission product as de-  
18               termined by the Administrator; and

19               ~~“(C)~~ which he determines is suitable for use as a  
20               substitute for a type of product at that time in use by  
21               agencies of the Federal Government.

22          ~~“(3)~~ The Administrator may establish a Low-Noise-  
23          Emission Product Advisory Committee to assist him in de-  
24          termining which products qualify as low noise emission prod-  
25          ucts for purposes of this section. The Committee shall in-



1 elude the Administrator or his designee, a representative of  
2 the National Bureau of Standards, and representatives of  
3 such other Federal agencies and private individuals as the  
4 Administrator may deem necessary from time to time. Any  
5 member of the Committee not employed on a full-time basis  
6 by the United States may receive the daily equivalent of the  
7 annual rate of basic pay in effect for grade GS-18 of the  
8 General Schedule for each day such member is engaged upon  
9 work of the Committee. Each member of the Committee shall  
10 be reimbursed for travel expenses, including per diem in lieu  
11 of subsistence as authorized by section 5703 of title 5, United  
12 States Code, for persons in the Government service employed  
13 intermittently.

14       “(4) Certification under this section shall be effective for  
15 a period of one year from the date of issuance.

16       “(5) (A) Any person seeking to have a class or model  
17 of product certified under this section shall file a certification  
18 application in accordance with regulations prescribed by the  
19 Administrator.

20       “(B) The Administrator shall publish in the Federal  
21 Register a notice of each application received.

22       “(C) The Administrator shall make determinations for  
23 the purpose of this section in accordance with procedures  
24 prescribed by him by regulation.

1       “(D) The Administrator shall conduct whatever investi-  
2       gation is necessary, including actual inspection of the product  
3       at a place designated in regulations prescribed under sub-  
4       paragraph (A).-

5       “(E) The Administrator shall receive and evaluate writ-  
6       ten comments and documents from interested persons in  
7       support of, or in opposition to, certification of the class or  
8       model of product under consideration.-

9       “(F) Within ninety days after the receipt of a properly  
10      filed certification application the Administrator shall deter-  
11      mine whether such product is a low-noise-emission product  
12      for purposes of this section. If the Administrator determines  
13      that such product is a low-noise-emission product, then with-  
14      in one hundred and eighty days of such determination the  
15      Administrator shall reach a decision as to whether such  
16      product is a suitable substitute for any class or classes of  
17      products presently being purchased by the Federal Govern-  
18      ment for use by its agencies.-

19      “(G) Immediately upon making any determination or  
20      decision under subparagraph (F), the Administrator shall  
21      publish in the Federal Register notice of such determination  
22      or decision, including reasons therefor.-

23      “(e)(1) Certified low-noise-emission products shall be  
24      acquired by purchase or lease by the Federal Government  
25      for use by the Federal Government in lieu of other products

1 if the Administrator of General Services determines that  
2 such certified products have procurement costs which are  
3 no more than 125 per centum of the retail price of the  
4 least expensive type of product for which they are certified  
5 substitutes.

6       “(2) Data relied upon by the Administrator in deter-  
7 mining that a product is a certified low-noise-emission  
8 product shall be incorporated in any contract for the procure-  
9 ment of such product.

10       “(d) The procuring agency shall be required to purchase  
11 available certified low-noise-emission products which are  
12 eligible for purchase to the extent they are available before  
13 purchasing any other products for which any low-noise-  
14 emission product is a certified substitute. In making pur-  
15 chasing selections between competing eligible certified low-  
16 noise-emission products, the procuring agency shall give  
17 priority to any class or model which does not require ex-  
18 tensive periodic maintenance to retain its low-noise-emis-  
19 sion qualities or which does not involve operating costs  
20 significantly in excess of those products for which it is a  
21 certified substitute.

22       “(e) For the purpose of procuring certified low-noise-  
23 emission products any statutory price limitations shall be  
24 waived.

25       “(f) The Administrator shall, from time to time as he

1 deems appropriate, test the emissions of noise from certified  
2 low-noise-emission products purchased by the Federal Gov-  
3 ernment. If at any time he finds that the noise-emission  
4 levels exceed the levels on which certification under this  
5 section was based, the Administrator shall give the supplier  
6 of such product written notice of this finding, issue public  
7 notice of it, and give the supplier an opportunity to make  
8 necessary repairs, adjustments, or replacements. If no such  
9 repairs, adjustments, or replacements are made within a  
10 period to be set by the Administrator, he may order the  
11 supplier to show cause why the product involved should  
12 be eligible for recertification.

13 “(g) There are authorized to be appropriated for paying  
14 additional amounts for products pursuant to, and for carrying  
15 out the provisions of, this section, \$1,000,000 for the fiscal  
16 year ending June 30, 1972, and \$2,000,000 for each of the  
17 two succeeding fiscal years.

18 “(h) The Administrator shall promulgate the procedures  
19 required to implement this section within one hundred and  
20 eighty days after the date of enactment of this Act.

21 “AUTHORIZATION OF APPROPRIATIONS

22 “SEC. 417. There are authorized to be appropriated to  
23 carry out this Act (other than sections 415 and 416)  
24 \$4,000,000 for the fiscal year ending June 30, 1973;  
25 \$8,000,000 for the fiscal year ending June 30, 1974; and

1                   AIRCRAFT NOISE STANDARDS

2           SEC. 3. Section 611 of the Federal Aviation Act of  
3 1958 (49 U.S.C. 1431) is amended to read as follows:

4           “CONTROL AND ABATEMENT OF AIRCRAFT NOISE AND  
5                                   SONIC BOOM

6           “SEC. 611. (a) In order to afford present and future  
7 relief and provide protection to public health and welfare  
8 from aircraft noise and sonic boom, the Administrator  
9 of the Environmental Protection Agency, after consul-  
10 tation with the Secretary of Transportation, shall pre-  
11 scribe and amend standards for the measurement of aircraft  
12 noise and sonic boom and shall prescribe and amend such  
13 rules and regulations as he may find necessary to provide for  
14 the control and abatement of aircraft noise and sonic boom,  
15 including the application of such standards, rules, and regu-  
16 lations in the issuance, amendment, modification, suspension,  
17 or revocation of any certificate authorized by this title. All  
18 standards, rules, and regulations prescribed pursuant to this  
19 section prior to the date of enactment of the Noise Pollu-  
20 tion Control Act of 1972 shall remain in effect until amended  
21 or revoked by subsequent standards, rules, or regulations pre-  
22 scribed and approved pursuant to this section.

23           “(b) The Administrator of the Federal Aviation Ad-  
24 ministration shall not issue a type certificate under section  
25 603 (a) of this Act for any aircraft, or for any aircraft engine,

1 propeller, or appliance that affects significantly the noise  
2 or sonic boom characteristics of any aircraft, unless the Ad-  
3 ministrator of the Environmental Protection Agency shall  
4 have prescribed standards, rules, and regulations under this  
5 section which apply to such aircraft, aircraft engine, pro-  
6 peller or appliance, and which protect the public health  
7 and welfare from aircraft noise or sonic boom consistent  
8 with the considerations listed in subsection (d) of this sub-  
9 section.

10       “(e) The Administrator of the Environmental Protec-  
11 tion Agency, within 6 months of the date of enactment of  
12 the Noise Pollution Control Act of 1972, shall review all  
13 standards, rules, or regulations (or any proposed standard,  
14 rule, or regulation) in effect under this section prior to the  
15 date of enactment of the Noise Pollution Control Act of  
16 1972. If he determines after public hearings, that such stand-  
17 ards, rules, or regulations do not protect the public health and  
18 welfare from aircraft noise or sonic boom consistent with the  
19 considerations listed in subsection (d) of this section, he shall  
20 within 12 months of the date of enactment of this Act, revise  
21 such standard, rule, or regulation.

22       “(d)(1) In prescribing and amending standards, rules,  
23 and regulations under this section, the Administrator of the  
24 Environmental Protection Agency shall—

25       “(A) consider relevant available data relating to

1        aircraft noise and sonic boom and the noise environments  
2        of airports, including the results of research, develop-  
3        ment, testing, and evaluation activities conducted pur-  
4        suant to this Act and the Department of Transportation  
5        Act;

6        ~~“(B) consult with such Federal, State, interstate,~~  
7        ~~and municipal agencies as he deems appropriate;~~

8        ~~“(C) consider whether any proposed standard,~~  
9        ~~rule, or regulation is consistent with the highest degree~~  
10       ~~of safety in air commerce or air transportation in the~~  
11       ~~public interest;~~

12       ~~“(D) consider whether any proposed standard,~~  
13       ~~rule, or regulation is technologically practicable for ap-~~  
14       ~~plication to existing types of aircraft, aircraft engine,~~  
15       ~~appliance, or certificate to which it will apply.~~

16       ~~“(2) Aircraft, aircraft engines, or appliances which~~  
17       ~~are manufactured or sold after date of enactment of the~~  
18       ~~Noise Pollution Control Act of 1972 shall meet the standards~~  
19       ~~prescribed pursuant to this section.~~

20       ~~“(e) In any action to amend, modify, suspend, or revoke~~  
21       ~~a certificate in which violation of aircraft noise or sonic boom~~  
22       ~~standards, rules, or regulations applied to aircraft or aircraft~~  
23       ~~engines existing on the date of enactment of the Noise Pol-~~  
24       ~~lution Control Act of 1972, is at issue, the certificate holder~~  
25       ~~shall have the same notice and appeal rights as are con-~~

1 National Transportation Safety Board, the Board may  
2 amend, modify, or revoke the order of the Secretary of  
3 Transportation only if it finds no violation of such standards,  
4 rules, or regulations, and that such amendments, modification,  
5 or revocation is consistent with safety in air transportation."

6 SEC. 4. The Federal Aviation Act of 1958, as amended,  
7 is further amended by adding to section 307 the following  
8 new subsection:

9 "Civil Aircraft Sonic Boom

10 "(g) (1) No person may operate a civil aircraft over  
11 the territory of the United States, the territorial sea of the  
12 United States, or the waters of the contiguous zone (as  
13 defined under Article 24 of the Convention of the Terri-  
14 torial Sea and the Contiguous Zone) at a true flight mach  
15 number greater than 1 except in compliance with the condi-  
16 tions and limitations in an authorization to exceed mach 1  
17 issued to the operator under this subsection.

18 "(2) For a research and development flight in a desig-  
19 nated flight test area an authorization to exceed mach 1  
20 may be issued if the applicant shows one or more of the  
21 following:

22 "(A) The flight is necessary to show compliance  
23 with an airworthiness regulation or is necessary for  
24 aircraft development.

25 "(B) The flight is necessary to determine the sonic



1 to establish means of reducing or eliminating the effects  
2 of sonic boom.

3 ~~“(C) The flight is necessary to demonstrate the~~  
4 ~~conditions and limitations under which speeds greater~~  
5 ~~than a true flight mach number of 1 will not cause a~~  
6 ~~sonic boom to reach the land or water surface of the~~  
7 ~~earth.~~

8 ~~“(3) An application for an authorization to exceed mach~~  
9 ~~1 must be made on a form and in a manner prescribed by~~  
10 ~~the Administrator of the Environmental Protection Agency.~~  
11 ~~In addition, for an authorization covered by paragraph (2)~~  
12 ~~of this subsection each application must contain—~~

13 ~~“(A) information showing that operation at speeds~~  
14 ~~greater than mach 1 is necessary to accomplish one of the~~  
15 ~~purposes specified in paragraph (2) of this subsection;~~

16 ~~“(B) a description of the flight test area proposed~~  
17 ~~by the applicant; and~~

18 ~~“(C) conditions and limitations that insure that no~~  
19 ~~sonic boom will reach the land or water surface outside~~  
20 ~~of the designated flight test area.~~

21 ~~“(4) An application for an authorization to exceed mach~~  
22 ~~1 shall be denied whenever the Administrator of the Environ-~~  
23 ~~mental Protection Agency finds that such research and devel-~~  
24 ~~opment flight or flights may adversely affect public health or~~  
25 ~~welfare or the quality of the environment.~~

1 until it expires, or until it is surrendered, and shall be ter-  
2 minated by the Administrator whenever he finds that such  
3 action is necessary to protect public health or welfare or the  
4 quality of the environment.

5 “(6) Any violation of this section shall be subject to the  
6 penalties prescribed under subsection (a) of section 412 of  
7 the Noise Pollution Control Act of 1972.”

8 *SECTION 1. This Act may be cited as the “Environmental*  
9 *Noise Control Act of 1972”.*

10 *SEC. 2. Title IV of the Clean Air Act Amendments of*  
11 *1970 is amended to read as follows:*

12 “*SHORT TITLE; TABLE OF CONTENTS*

13 “*SEC. 401. This Act, including the following table of*  
14 *contents, may be cited as the ‘Environmental Noise Control*  
15 *Act’.*

“*TABLE OF CONTENTS*

“*Sec. 401. Short title; table of contents.*

“*Sec. 402. Findings and policy.*

“*Sec. 403. Office of Noise Abatement and Control.*

“*Sec. 404. Definitions.*

“*Sec. 405. Research, investigation, training, and other activities.*

“*Sec. 406. Federal programs.*

“*Sec. 407. Noise criteria and control technology.*

“*Sec. 408. Noise emission standards for new products.*

“*Sec. 409. Labeling.*

“*Sec. 410. Imports.*

“*Sec. 411. Prohibited acts.*

“*Sec. 412. Enforcement.*

“*Sec. 413. Citizen suits.*

“*Sec. 414. Emergency situations.*

“*Sec. 415. Judicial review.*

“*Sec. 416. Records, reports, and information.*

“*Sec. 417. Federal procurement.*

“*Sec. 418. Grants for support of environmental noise planning and con-  
trol programs.*

“*Sec. 419. Development of low-noise-emission products.*

1                               *"FINDINGS AND POLICY*

2           *"SEC. 402. (a) The Congress finds—*

3                       *"(1) that environmental noise presents a growing*  
4           *danger to the health and welfare of the Nation's popula-*  
5           *tion, particularly in urban areas;*

6                       *"(2) that the major sources of noise emissions in-*  
7           *clude aircraft, vehicles, machinery, appliances, and other*  
8           *products in commerce; and*

9                       *"(3) that, while primary responsibility for control*  
10          *of environmental noise rests with State and local gov-*  
11          *ernments, Federal regulatory action is essential to deal*  
12          *with major noise emission sources, and Federal assistance*  
13          *is necessary to encourage and support programs for the*  
14          *control of environmental noise.*

15          *"(b) The Congress declares that it is the policy of the*  
16          *United States to promote an environment for all Americans*  
17          *free from noise that jeopardizes their public health or welfare.*  
18          *To that end, it is the purpose of this Act to establish a means*  
19          *for effective coordination of Federal research and activities*  
20          *in environmental noise control, to authorize the establishment*  
21          *of Federal noise emission standards for new products, to*  
22          *provide information to the public of the noise emission and*  
23          *noise reduction characteristics of new products, to encourage*  
24          *and support State and municipal programs for the control of*  
25          *environmental noise through planning and program grants*

1 to State and local environmental noise control agencies, and  
2 to provide information to the public on the control of environ-  
3 mental noise through regulation of use of products and other  
4 methods and procedures to reduce environmental noise.

5 “(c) Public participation in the development, revision,  
6 and enforcement of any regulation, noise emission standard,  
7 program or plan established by the Administrator or any  
8 State or municipality under this Act shall be provided for,  
9 encouraged, and assisted by the Administrator and the States  
10 and municipalities. The Administrator, in cooperation with  
11 the States and municipalities, within ninety days after enact-  
12 ment of this section, shall develop and publish regulations  
13 specifying minimum guidelines for public participation in  
14 such processes.

15 “OFFICE OF NOISE ABATEMENT AND CONTROL

16 “SEC. 403. (a) The Administrator shall establish within  
17 the Environmental Protection Agency an Office of Noise  
18 Abatement and Control, and shall carry out through such  
19 Office a full and complete investigation and study of noise  
20 and its effect on the public health and welfare and admin-  
21 ister the provisions of this Act.

22 “(b) The Administrator is authorized to prescribe such  
23 regulations as are necessary to carry out his function under  
24 this Act. The Administrator may delegate to any officer or  
25 employee of the Environmental Protection Agency such of

1 *his powers and duties under this Act, except the making of*  
2 *regulations, as he may deem necessary or expedient.*

3       “(c) *Upon the request of an environmental noise control*  
4 *agency, personnel of the Environmental Protection Agency*  
5 *may be detailed to such agency for the purpose of carrying*  
6 *out the provisions of this Act.*

7       “(d) *Payments under grants made under this Act may*  
8 *be made in installments, and in advance or by way of reim-*  
9 *bursement, as may be determined by the Administrator.*

10                               “DEFINITIONS

11       “SEC. 404. *For purposes of this title and title V of this*  
12 *Act:*

13               “(a) *The term ‘Administrator’ means the Admin-*  
14 *istrator of the Environmental Protection Agency.*

15               “(b) *The term ‘person’ means an individual, cor-*  
16 *poration, partnership, or association, and (except as*  
17 *provided in section 413(a)(1) of this Act) includes*  
18 *any officer, employee, department, agency, or instru-*  
19 *mentality of the United States, a State, or any political*  
20 *subdivision of a State.*

21               “(c) *The term ‘product’ means any manufactured*  
22 *article or goods or component thereof; except that such*  
23 *term does not include—*

24                       “(1) *any aircraft, aircraft engine, propeller,*  
25 *or appliance, as such terms are defined in section*

1           101 of the Federal Aviation Act, as amended (49  
2           U.S.C. 1431); or

3           “(2)(A) any military aircraft, rockets, weap-  
4           ons, or equipment which are designed for combat  
5           use; or (B) any aircraft, rockets, launch vehicles,  
6           spacecraft, or equipment which are designed for  
7           research, experimental, or developmental work to  
8           be performed by the National Aeronautics and  
9           Space Administration, as determined by the Presi-  
10          dent under section 406 of this Act.

11          “(d) The term ‘ultimate purchaser’ means the  
12          first person who in good faith purchases a product for  
13          purposes other than resale.

14          “(e) The term ‘new product’ means a product the  
15          equitable or legal title to which has never been trans-  
16          ferred to an ultimate purchaser. Products remanufac-  
17          tured or rebuilt by a manufacturer from used products  
18          to restore original functions shall be considered to be new  
19          products for the purposes of this title and title V of this  
20          Act.

21          “(f) The term ‘manufacturer’ means any person  
22          engaged in the manufacturing, assembling, or importing  
23          of new products, or who acts for, and is controlled by,  
24          any such person in connection with the distribution of  
25          such products, but shall not include any dealer with re-

26

1           “(g) The term ‘dealer’ means any person engaged  
2           in the sale or the distribution of new products to the ulti-  
3           mate purchaser who may prepare a product for sale or  
4           distribution to the ultimate purchaser: Provided, That  
5           when such dealer’s preparatory or final assembly work  
6           involves modifications which increase the noise emission  
7           characteristics of such product, such dealer shall then  
8           be considered a manufacturer of such product for the  
9           purposes of this title and title V of this Act.

10           “(h) The term ‘commerce’ means trade, traffic,  
11           commerce, or transportation—

12                   “(1) between a place in a State and any place  
13                   outside thereof, or

14                   “(2) which affects trade, traffic, commerce, or  
15                   transportation described in paragraph (1) of this  
16                   subsection.

17           “(i) The term ‘State’ includes the District of Co-  
18           lumbia, the Commonwealth of Puerto Rico, the Virgin  
19           Islands, the Canal Zone, American Samoa, Guam, and  
20           the Trust Territory of the Pacific Islands.

21           “(j) The term ‘Federal agency’ means any depart-  
22           ment, agency, or instrumentality of the United States  
23           including United States Postal Service.

24           “(k) The term ‘environmental noise control agency’  
25           means any of the following:

1           “(1) A single State agency designated by the  
2           Governor of that State as the official State environ-  
3           mental noise control agency for purposes of this Act;

4           “(2) An agency established by two or more  
5           States and having substantial powers or duties per-  
6           taining to the prevention and control of environ-  
7           mental noise;

8           “(3) A city, county, or other local government  
9           authority charged with responsibility for enforcing  
10          ordinances or laws relating to the prevention and  
11          control of environmental noise; or,

12          “(4) An agency of two or more municipalities  
13          located in the same State or in different States and  
14          having substantial powers or duties pertaining to  
15          the prevention and control of environmental noise.

16          “(l) The term ‘municipality’ means a city, town,  
17          borough, county, parish, district, or other public body  
18          created by or pursuant to State law.

19          “(m) The term ‘noise emission standard’ means a  
20          statement of a noise level or other acoustical character-  
21          istic which may not be exceeded under specified conditions  
22          or method of operation. Such standard shall include the  
23          test procedures to be followed and shall be stated in terms  
24          of performance rather than design criteria.

25          “(n) The term ‘environmental noise’ means the in-



1      *tensity, duration, and character of sounds from all*  
2      *sources.*

3           “(o) The term ‘cumulative noise exposure’ means  
4           the exposure of individuals in defined areas around air-  
5           ports to noise from aircraft operations weighted by time  
6           of day.”

7       “RESEARCH, INVESTIGATION, TRAINING, AND OTHER  
8                                  ACTIVITIES

9       “SEC. 405. (a) *The Administrator shall establish a*  
10 *national research and development program for the preven-*  
11 *tion and control of environmental noise and as part of such*  
12 *program shall—*

13           “(1) conduct, and promote the coordination and ac-  
14           celeration of, research, investigations, experiments, train-  
15           ing, demonstrations, surveys, and studies relating to the  
16           causes, effects, extent, prevention, and control of environ-  
17           mental noise;

18           “(2) conduct and finance research by contract with  
19       any person, on the effects, measurement, and control of  
20       noise, including but not limited to—

“(A) investigation of the direct or indirect effects of noise on humans (including physiological and psychological effects), and the direct or indirect effects of noise on domestic animals, fish, wildlife,

1           *and property, and determination of acceptable levels*  
2           *of noise on the basis of such effects; and*

3           *“(B) development of improved methods and*  
4           *standards for measurement and monitoring of noise,*  
5           *in cooperation with the National Bureau of Stand-*  
6           *ards, Department of Commerce.*

7           *“(3) encourage, cooperate with, and render tech-*  
8           *nical services (including the drafting of model ordi-*  
9           *nances) and provide financial assistance to environ-*  
10          *mental noise control agencies and other appropriate*  
11          *public or private agencies, institutions and organizations,*  
12          *and individuals in the conduct of such activities;*

13          *“(4) conduct investigations and research and make*  
14          *surveys concerning any specific problem of environ-*  
15          *mental noise in cooperation with any noise pollution con-*  
16          *trol agency with a view to recommending a solution of*  
17          *such problem, if he is requested to do so by such agency or*  
18          *if, in his judgment, such problem may affect any com-*  
19          *munity or communities in a State other than that in*  
20          *which the source of the matter causing or contributing*  
21          *to the noise is located; and*

22          *“(5) establish technical advisory committees com-*  
23          *posed of recognized experts in various aspects of noise*  
24          *to assist in the examination and evaluation of research*

1        *progress and proposals and to avoid duplication of re-*  
2        *search, and for other purposes.*

3        *“(b) In carrying out the provisions of the preceding*  
4        *subsection the Administrator is authorized to—*

5            *“(1) collect and make available, through publica-*  
6            *tions and other appropriate means, the results of ac-*  
7            *tivities pursuant to subsection (a) and other informa-*  
8            *tion, including appropriate recommendations by him*  
9            *in connection therewith, pertaining to such research*  
10          *and other activities;*

11          *“(2) cooperate with other Federal agencies, with*  
12          *environmental noise control agencies, with other public*  
13          *and private agencies, institutions, and organizations, and*  
14          *with any industries involved, in the preparation and con-*  
15          *duct of such research and other activities, including*  
16          *technical assistance;*

17          *“(3) make grants to environmental noise control*  
18          *agencies, to other public or nonprofit private agencies,*  
19          *institutions and organizations, and to individuals, for*  
20          *purposes stated in subsection (a) of this section;*

21          *“(4) contract with public or private agencies, insti-*  
22          *tutions and organizations, and with individuals, without*  
23          *regard to sections 3648 and 3709 of the Revised*  
24          *Statutes (31 U.S.C. 529; 41 U.S.C. 5);*

1           “(5) provide training (without fee) for, and make  
2           training grants to personnel of environmental noise con-  
3           trol agencies and other persons with suitable qualifica-  
4           tions;

5           “(6) establish and maintain research fellowships, in  
6           the Environmental Protection Agency and at public or  
7           nonprofit private educational institutions or research  
8           organizations;

9           “(7) collect and make available through publica-  
10          tions and other appropriate means, in cooperation with  
11          other Federal departments and agencies, and with other  
12          public or private agencies, institutions, and organizations  
13          having related responsibilities, basic data on physical,  
14          and human and other effects of varying levels of noise  
15          and other information pertaining to noise and the pre-  
16          vention and control thereof; and

17          “(8) develop effective and practical processes,  
18          methods, and prototype devices for the prevention or  
19          control of environmental noise.

20          “(c) In carrying out the provisions of subsection (a) of  
21          this section the Administrator shall conduct research on, and  
22          survey the results of other scientific studies on, the harmful  
23          effects on the health or welfare of persons by the various  
24          known noise sources.

25          “(d) In carrying out research pursuant to this Act, the

1 *Administrator shall give special emphasis to research on the*  
2 *short- and long-term effects of environmental noise on public*  
3 *health and welfare.*

4 *“FEDERAL PROGRAMS*

5 *“SEC. 406. (a) The Congress authorizes and directs*  
6 *that Federal agencies shall, to the fullest extent consistent*  
7 *with their authority under Federal laws administered by*  
8 *them, carry out the programs within their control in such a*  
9 *manner as to further the policy declared in section 402*  
10 *of this Act.*

11 *“(b) Each department, agency, or instrumentality of*  
12 *the executive, legislative, and judicial branches of the Fed-*  
13 *eral Government (1) having jurisdiction over any property*  
14 *or facility, or (2) engaged in any activity resulting, or which*  
15 *may result, in the emission of noise shall comply with Fed-*  
16 *eral, State, interstate, and local requirements respecting*  
17 *control and abatement of environmental noise to the same ex-*  
18 *tent that any person is subject to such requirements. The Presi-*  
19 *dent may exempt any single activity or facility, including noise*  
20 *emission sources or classes thereof, of any department, agency,*  
21 *or instrumentality in the executive branch from compliance*  
22 *with any such requirement if he determines it to be in the*  
23 *paramount interest of the United States to do so; except*  
24 *that no exemption, other than for those products specified pur-*  
25 *suant to section 404(c) (2) of this Act may be granted from*

1 *the requirements of sections 408, 511, and 521 of this Act.*  
2 *No such exemption shall be granted due to lack of ap-*  
3 *propriation unless the President shall have specifically*  
4 *requested such appropriation as a part of the budg-*  
5 *etary process and the Congress shall have failed to make*  
6 *available such requested appropriation. Any exemption shall*  
7 *be for a period not in excess of one year, but additional*  
8 *exemptions may be granted for periods of not to exceed one*  
9 *year upon the President's making a new determination. The*  
10 *President shall report each January to the Congress all*  
11 *exemptions from the requirements of this section granted*  
12 *during the preceding calendar year, together with his reason*  
13 *for granting such exemption.*

14 *(c)(1) The Administrator shall coordinate the programs*  
15 *of all Federal agencies relating to environmental noise re-*  
16 *search and environmental noise control. Each Federal agency*  
17 *shall furnish to the Administrator such information as he*  
18 *may reasonably require, to determine, as provided under*  
19 *section 309 of the Clean Air Act, if the nature, scope, and*  
20 *results of the noise research and environmental noise control*  
21 *programs of the agency are consistent with the purposes of*  
22 *this Act.*

23 *“(2) Each Federal agency shall consult with the Admin-*  
24 *istrator in prescribing any regulations respecting environ-*  
25 *mental noise. If at any time the Administrator has reason to*

1 believe that a standard or regulation, or any proposed stand-  
2 ard or regulation of any Federal agency, respecting noise,  
3 does not protect the public health and welfare to the extent he  
4 believes to be required he shall request such agency to  
5 review and report to him on the advisability of revising such  
6 standard or regulation to provide such protection. Any such  
7 request shall be published in the Federal Register and shall  
8 be accompanied by a detailed statement of the information  
9 on which such request is based. Such agency shall complete  
10 the requested review and report to the Administrator within  
11 180 days after the date of the publication in the Federal  
12 Register of the request. The report shall be published in the  
13 Federal Register and shall be accompanied by a detailed  
14 statement of the findings and conclusions of the agency respect-  
15 ing the revision of its standard or regulation.

16 “(3) On the basis of regular consultation with appro-  
17 priate Federal agencies, the Administrator shall compile and  
18 publish annually a report to the Congress on the status and  
19 progress of Federal activities relating to environmental noise  
20 research and environmental noise control. This report shall  
21 describe the environmental noise control programs of each  
22 Federal agency and assess the contributions of those programs  
23 to the Federal Government's overall efforts to control environ-  
24 mental noise.

1           “NOISE CRITERIA AND CONTROL TECHNOLOGY

2           “SEC. 407. (a) *The Administrator shall, after con-*  
3 *sultation with appropriate Federal, State, and municipal*  
4 *agencies, and other appropriate persons, within nine months*  
5 *after the date of enactment of this section, issue noise*  
6 *criteria. Such criteria shall reflect the scientific knowledge*  
7 *most useful in indicating the kind and extent of all identi-*  
8 *fiable effects on the public health or welfare which may be*  
9 *expected from differing quantities and qualities of noise, and*  
10 *such criteria shall set forth levels of environmental noise the*  
11 *attainment and maintenance of which in defined areas under*  
12 *various conditions are requisite to protect the public health*  
13 *and welfare with an adequate margin of safety.*

14          “(b) *The Administrator, after consultation with appro-*  
15 *priate Federal, State, and municipal agencies, and other*  
16 *appropriate persons, shall within fifteen months after date of*  
17 *enactment of this section compile and publish a report or*  
18 *series of reports (1) identifying products (or classes of*  
19 *products) which on the basis of information available to him*  
20 *appear to be major sources of noise, and (2) giving infor-*  
21 *mation on the processes, procedures, or operating methods*  
22 *which result in the control of the emission of noise, to imple-*  
23 *ment noise emission control standards under sections 408,*  
24 *501, 503, 511, and 521 of this Act, which such information*



1 *shall include technical and other data, including costs, as are*  
2 *available on alternative methods of noise control.*

3 *“(c) The Administrator, after consultation with ap-*  
4 *propriate Federal, State, and municipal agencies, and other*  
5 *appropriate persons, shall compile and provide information*  
6 *on methods and techniques of controlling environmental noise*  
7 *through, among other means, product use control, land use*  
8 *regulation, and construction and building standards. Such*  
9 *information shall be compiled and published to assist State*  
10 *and local governments in establishing and enforcing environ-*  
11 *mental noise control programs supported under section 418*  
12 *of this Act.*

13 *“(d) The Administrator shall from time to time review*  
14 *and, as appropriate, revise or supplement any criteria or*  
15 *reports published under this section.*

16 *“(e) Any report under subsection (b)(1) of this sec-*  
17 *tion identifying major noise sources shall be published in*  
18 *the Federal Register. The publication or revision of any*  
19 *criteria or information on control techniques under this sec-*  
20 *tion shall be announced in the Federal Register, and copies*  
21 *shall be made available to the general public.*

22 *“NOISE EMISSION STANDARDS FOR NEW PRODUCTS*

23 *“SEC. 408. (a)(1) The Administrator shall publish*

1 *proposed regulations establishing noise emission standards for*  
2 *new products or classes of products—*

3 *“(A) identified in any report published under sec-*  
4 *tion 407(b)(1) of this Act as a major source of noise,*  
5 *and*

6 *“(B) which falls in one of the following categories:*

7 *“(i) Construction equipment.*

8 *“(ii) Transportation equipment (including*  
9 *snowmobiles, motorcycles, and recreational vehicles*  
10 *and related equipment).*

11 *“(iii) Any motor or engine (including any*  
12 *equipment of which an engine or motor is an in-*  
13 *tegral part).*

14 *“(iv) Turbines and compressors.*

15 *“(v) Electrical and electronic equipment, ex-*  
16 *cept those products which are designed for the pro-*  
17 *duction or reproduction of music or sound (to the*  
18 *extent such reproduction is identical, except in*  
19 *amplitude, to the source reproduced).*

20 *“(vi) Percussion and explosive equipment.*

21 *“(2)(A) Regulations proposed under paragraph*  
22 *(1) shall be promulgated not later than eighteen months*  
23 *after the date of enactment of this Act, and shall apply to*  
24 *any appropriate new product described in paragraph (1)*  
25 *which is identified (or in a class identified) in any report*

1 *published under section 407(b)(1) of this Act on or before*  
2 *the date of publication of such initial proposed regulations.*

3 *“(B) In the case of any new product described in para-*  
4 *graph (1) which is identified (or is part of a class identi-*  
5 *fied) as a major source of noise in a report published under*  
6 *section 407(b)(1) of this Act after publication of the initial*  
7 *proposed regulations under subparagraph (A) of this para-*  
8 *graph, regulations under paragraph (1) of this subsection for*  
9 *such new product shall be promulgated by the Administrator*  
10 *not later than nine months after such report is published.*

11 *“(b) The Administrator may publish proposed regula-*  
12 *tions establishing noise emission standards respecting any*  
13 *new product for which he is not required to establish stand-*  
14 *ards under subsection (a) of this section but for which, in*  
15 *his judgment, noise emission standards are requisite to pro-*  
16 *tect the public health and welfare. Not later than six months*  
17 *after the date of publication of such regulations respecting*  
18 *such new product, he shall promulgate regulations establish-*  
19 *ing noise emission standards for such new product.*

20 *“(c)(1) Any noise emission standard prescribed*  
21 *under subsection (a) or (b) of this section respecting a new*  
22 *product shall set limits on noise emissions from such new*  
23 *product over the useful life of the product (as determined*  
24 *by the Administrator taking into account the range of pos-*  
25 *sible uses for the same type of product) and shall be a stand-*

1   ard which in the Administrator's judgment, based on infor-  
2   mation published under section 407 of this Act, reflects the  
3   degree of noise reduction achievable through the application  
4   of the best available technology, taking into account the cost  
5   of compliance. In establishing such standards for any new  
6   product the Administrator shall assure that such standards  
7   are compatible with standards under other laws respecting  
8   emission of air or water pollutants and safety, including (but  
9   not limited to) any standard under the National Traffic  
10   and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381  
11   et seq.), the Clean Air Act (42 U.S.C. 1857 et seq.), or  
12   the Federal Water Pollution Control Act (33 U.S.C. 1151  
13   et seq.). Any standard prescribed under subsection (a) or  
14   (b) of this section may contain provisions respecting in-  
15   structions of the manufacturer for the maintenance or use  
16   of the product.

17       “(2) After publication of any proposed regulations  
18   under this section, the Administrator shall allow the public  
19   an opportunity to participate in rulemaking in accordance  
20   with section 553 of title 5, United States Code.

21       “(3) The Administrator may revise any noise emission  
22   standard prescribed by him in accordance with this section.

23       “(4) Any regulation prescribed under this section (and  
24   any revision thereof) shall take effect after a period not to  
25   exceed two years or such lesser time as the Administrator finds

1 *necessary to permit the development and application of the*  
2 *requisite technology, giving appropriate consideration to the*  
3 *cost of compliance within such period. Standards prescribed*  
4 *under this section shall apply to products manufactured on or*  
5 *after the effective date of such standards.*

6       “(5) *The Administrator may prescribe regulations defin-*  
7 *ing ‘effective date’ for the purpose of assuring that products*  
8 *manufactured before the effective date of a regulation under this*  
9 *section were not manufactured for purposes of circumventing*  
10 *the effective date of such regulations.*

11       “(d) (1) *On and after the effective date of any standards*  
12 *prescribed under this section, the manufacturer of each new*  
13 *product shall warrant to the ultimate purchaser and each sub-*  
14 *sequent purchaser that such product is (A) designed, built, and*  
15 *equipped so as to conform at the time of sale with applicable*  
16 *regulations under this section, and (B) free from defects in*  
17 *materials and workmanship which cause such product, under*  
18 *normal use, operation, and maintenance to fail to conform with*  
19 *applicable regulations for its useful life, as determined by the*  
20 *Administrator, taking into account the range of uses for such*  
21 *product.*

22       “(2) *Any cost obligation of any dealer incurred as a*  
23 *result of any requirement imposed by paragraph (1) of this*  
24 *subsection shall be borne by the manufacturer. The transfer*

1 of any such cost obligation from a manufacturer to any dealer  
2 through franchise or other agreement is prohibited.

3 “(3) If a manufacturer includes in any advertisement a  
4 statement respecting the cost or value of noise emission con-  
5 trol devices or systems, such manufacturer shall set forth in  
6 such statement the cost or value attributed to such devices or  
7 systems by the Secretary of Labor (through the Bureau of  
8 Labor Statistics). The Secretary of Labor, and his repre-  
9 sentatives, shall have the same access for this purpose to the  
10 books, documents, papers, and records of a manufacturer as  
11 the Comptroller General has to those of a recipient of assist-  
12 ance for purposes of section 311 of the Clean Air Act, as  
13 amended.

14 “(c)(1) No State or political subdivision thereof may  
15 adopt or enforce, with respect to (A) any product manu-  
16 factured after the effective date of a regulation prescribed  
17 by the Administrator under this section or (B) any com-  
18 ponent incorporated into such product by the manufacturer  
19 of such product, any standard setting a limit on noise emis-  
20 sions from such product enforceable against the manufacturer  
21 which is not identical to the standard prescribed by the  
22 Administrator.

23 “(2) Subject to paragraph (1) of this subsection,  
24 nothing in this section shall preclude or deny the right of  
25 any State or political subdivision thereof to establish and

1 enforce controls on environmental noise through the licens-  
2 ing, regulation, or restriction of the use, operation, or move-  
3 ment of any product or combination of products: Provided,  
4 That such control, licensing, regulation, or restriction shall  
5 not, in the case of any motor carrier engaged in interstate  
6 commerce or any equipment or facility of a surface carrier  
7 engaged in interstate commerce by railroad, result in a limit  
8 on noise emissions for any carriers, equipment, or facility  
9 different than any limit contained in any regulation applica-  
10 ble thereto prescribed by the Administrator under this section  
11 or title V of this Act, except that in the case of such car-  
12 riers the Administrator may by regulation, upon the peti-  
13 tion of a State or political subdivision thereof and after  
14 consultation with the Secretary of Transportation, permit  
15 such more restrictive limits on such noise emissions through  
16 the application of use, operation, or movement controls or  
17 regulations as in his judgment are necessitated by special  
18 local conditions.

19       “(3) If, after promulgation of any standards and  
20 regulations under this section and prior to their effective date,  
21 a product is manufactured in compliance with such standards  
22 and regulations such standards and regulations shall, for the  
23 purposes of paragraph (1) of this subsection, become  
24 effective with respect to such product on the date of such  
25 compliance.

1 "LABELING

2 "SEC. 409. (a) The Administrator shall by regulation  
3 for any new product (or class thereof)—

4 "(1) identified pursuant to section 407(b)(1); or

5 "(2) which is sold wholly or in part on the basis of  
6 its effectiveness in reducing noise,

7 require either (1) that a notice of the level of noise emission  
8 including the relationship to any applicable noise emission  
9 standard under section 408, or notice of the effectiveness in

10 reducing noise (as the case may be) supplied by the manufac-  
11 turer, be affixed to the new product and to the outside of its

12 container at the time of its sale to the ultimate purchaser, or

13 (2) that such notice of such level or effectiveness supplied by  
14 the manufacturer otherwise be given to the prospective user.

15 He shall prescribe the form of the notice and the methods and  
16 units of measurement to be used for this purpose. Section 408

17 (c)(2) shall apply to the promulgation of any regulation  
18 under this section.

19 "(b) This section does not prevent any State or political  
20 subdivision thereof from regulating product labeling in any  
21 way not in conflict with regulations promulgated by the  
22 Administrator under this section.

23 "IMPORTS

24 "SEC. 410. Any product offered for entry into the United  
25 States for which a standard or regulation has become effec-

26 tive pursuant to this title which is not accompanied by cer-



1 *tificate of compliance in the form prescribed by the Adminis-*  
2 *trator, shall be refused entry into the United States. If a*  
3 *product is refused entry, the Secretary of the Treasury shall*  
4 *refuse delivery to the consignee and shall cause disposal or*  
5 *storage of any product refused delivery which has not been*  
6 *exported by the consignee within three months from the date*  
7 *of notice of such refusal under such regulations as the Secre-*  
8 *tary of the Treasury may prescribe, except that the Secretary*  
9 *of the Treasury may deliver to the consignee such product*  
10 *pending examination and decision in the matter on execution*  
11 *of bond for the amount of the full invoice value of such prod-*  
12 *uct, together with the duty thereon, and on refusal to return*  
13 *such product for any cause to the custody of the Secretary*  
14 *of the Treasury, when demanded, for the purpose of exclud-*  
15 *ing it from the country, or for any other purpose, said con-*  
16 *signee shall forfeit the full amount of said bond. All charges*  
17 *for storage, cartage, and labor on products which are refused*  
18 *admission or delivery under this section shall be paid by the*  
19 *owner or consignee, and in default of such payment shall*  
20 *constitute a lien against any future importation made by*  
21 *such owner or consignee.*

22 "PROHIBITED ACTS

23 "SEC. 411. (a) Except as otherwise provided in subsec-  
24 tion (b) of this section, the following acts or the causing  
25 thereof are prohibited:

1           “(1) In the case of a manufacturer, the sale in, the  
2           offering for sale in, or the introduction or delivery for  
3           introduction into, commerce of any new product, air-  
4           craft, or aircraft engine manufactured after the effective  
5           date of noise emission control standards prescribed under  
6           sections 408, 501, 503, 511, and 521 of this Act which  
7           are applicable to such product, unless such product is in  
8           conformity with such standards.

9           “(2)(A) The removal or rendering inoperative by  
10          any person, other than for purposes of maintenance, test-  
11          ing, repair, or replacement, of any device or element of  
12          design incorporated into any product, aircraft, or air-  
13          craft engine in compliance with noise emission standards  
14          promulgated under sections 408, 501, 503, 511, and 521  
15          of this Act prior to its sale or delivery to the ultimate  
16          purchaser or during its term of use, or (B) the use of a  
17          product after such device or element of design has been  
18          removed or rendered inoperative.

19          “(3) In the case of a manufacturer, the sale in,  
20          the offering for sale in, or the introduction or delivery  
21          for introduction into, commerce of any new product  
22          manufactured after the effective date of regulations pro-  
23          mulgated under option (1) in section 409(b) of this  
24          Act (requiring information respecting noise) which are  
25          applicable to such product, unless it is in conformity with

26

*such regulations*

1           “(3)(A) In the case of a manufacturer or dealer,  
2           the assistance of any person in a violation of paragraph  
3           (2)(A) of this subsection or the furnishing of informa-  
4           tion with respect to a violation of paragraph (2)(A)  
5           of this subsection.

6           “(B) In the case of a manufacturer, the sale in,  
7           the offering for sale in, or the introduction or delivery  
8           for introduction into, commerce of any new product  
9           manufactured after the effective date of regulations pro-  
10          mulgated under option (1) in section 409(a) of this  
11          Act (requiring information respecting noise) which are  
12          applicable to such product, unless it is in conformity with  
13          such regulations.

14          “(4)(A) The removal by any person of any notice  
15          affixed to a product or container pursuant to regulations  
16          promulgated under section 409(a) of this Act prior to  
17          the sale of the new product to the ultimate purchaser, or  
18          (B) the sale of such product or container from which  
19          such notice has been removed.

20          “(5) The importation into the United States by  
21          any person of any new product in violation of regula-  
22          tions promulgated under section 410 of this Act that  
23          are applicable to such product.

24          “(6) The failure of any person to comply with any  
25          order issued under section 412(d) or 414 of this Act.

1       “(b)(1) The Administrator may after public hearings  
2       exempt for a specified period of time not to exceed one year,  
3       any new product, or class thereof, from paragraphs (1),  
4       (2), (3), and (5) of subsection (a) of this section upon  
5       such terms and conditions as he may find necessary to pro-  
6       tect the public health or welfare, for the purpose of research,  
7       investigations, studies, demonstrations, or training, or for  
8       reasons of national security.

9       “(2) A new product intended solely for export, and so  
10       labeled or tagged on the outside of the container and on the  
11       product itself, shall be subject to noise emission standards of  
12       the country which imports such product. In no event shall  
13       the Administrator allow the export from the United States  
14       of any product subject to section 414 of this Act as a product,  
15       the noise emissions from which are an imminent and sub-  
16       stantial endangerment to public health.

17                               “ENFORCEMENT

18       “SEC. 412. (a) Any person who willfully or negligently  
19       violates paragraph (1), (3), (5), or (6) of subsection (a)  
20       of section 411 of this Act shall be punished by a fine of not  
21       more than \$25,000 per day of violation, or by imprisonment  
22       for not more than one year, or by both. In the case of a viola-  
23       tion of paragraph (1) or (6) of subsection (a) of section  
24       411 of this Act the fine shall be not less than \$2,500 per day  
25       of violation. If the conviction is for a violation committed

1 *after a first conviction of such person under this paragraph,*  
2 *punishment shall be by a fine of not more than \$50,000 per*  
3 *day of violation, or by imprisonment for not more than two*  
4 *years, or by both.*

5 *“(b) For the purpose of this section, each day of*  
6 *violation of section 411(a) of this Act shall constitute a*  
7 *separate violation of that section.*

8 *“(c) The district courts of the United States shall have*  
9 *jurisdiction of actions brought by and in the name of the*  
10 *United States to restrain any violations of section 411(a) of*  
11 *this Act.*

12 *“(d) (1) Whenever any person is in violation of section*  
13 *411(a) of this Act, the Administrator may issue an order*  
14 *specifying such relief as he determines is necessary to protect*  
15 *the public health and welfare. Such relief may include an*  
16 *order requiring such person to cease such violation, to notify*  
17 *ultimate purchasers of the risks associated with such violation,*  
18 *to make public notice of such risks, to recall any products*  
19 *responsible for such violation, to repurchase any such prod-*  
20 *ucts, or to replace any such products. Such order may also*  
21 *require the seizure of any such products by the Administrator.*

22 *“(2) Any order under this subsection shall be issued*  
23 *only after notice and opportunity for a hearing in accord-*  
24 *ance with section 554 of title 5 of the United States Code.*

25 *“(e) When authorized by State law—*

1           “(1) The Administrator may, by agreement with  
2           any environmental noise control agency with or without  
3           reimbursement, authorize law enforcement officers or  
4           other officers or employees of such environmental noise  
5           control agency to bring civil actions in the appropriate  
6           State courts to restrain any person from violating section  
7           411(a).

8           “(2) The courts of such State may entertain any  
9           such civil action.

10          Nothing in this section shall affect the authority of an en-  
11          vironmental noise control agency to commence a civil action  
12          under section 413 of this Act.

13                                   “CITIZEN SUITS

14          “SEC. 413. (a) Except as provided in subsection (b)  
15          of this section, any person may commence a civil action on  
16          his own behalf—

17               “(1) against any person (including (A) the United  
18               States, and (B) any other governmental instrumentality  
19               or agency to the extent permitted by the eleventh amend-  
20               ment to the Constitution) who is alleged to be in violation  
21               of any noise control requirement (as defined in subsection  
22               (f) of this section), or

23               “(2) against—

24                       “(A) the Administrator of the Environmental  
25                       Protection Agency where there is alleged a failure

1       of such Administrator to perform any act or duty  
2       under this Act which is not discretionary with such  
3       Administrator.

4       “(B) the Administrator of the Federal Aviation  
5       Administration where there is alleged a failure of  
6       such Administrator to perform any act or duty under  
7       this Act or section 611 of the Federal Aviation Act  
8       of 1958 which is not discretionary with such Ad-  
9       ministrator.

10      The district courts of the United States shall have jurisdic-  
11      tion, without regard to the amount in controversy or the citi-  
12      zenship of the parties, to enforce such noise control require-  
13      ment or to order such Administrator to perform such act or  
14      duty, as the case may be.

15      “(b) No action may be commenced—

16        “(1) under subsection (a)(1) of this section—

17        “(A) prior to sixty days after the plaintiff has  
18        given notice of the violation (i) to the Administrator  
19        of the Environmental Protection Agency (and to the  
20        Federal Aviation Administrator in the case of a vio-  
21        lation of a noise emission control requirement with  
22        respect to aircraft under this Act or section 611 of  
23        the Federal Aviation Act as amended) and (ii) to  
24        any alleged violator of such requirement, or

25        “(B) if an Administrator has commenced and

1           is diligently prosecuting a civil action to require  
2           compliance with the noise control requirement, but  
3           in any such action in a court of the United States  
4           any person may intervene as a matter of right; or

5           “(2) under subsection (a)(2) of this section prior  
6           to sixty days after the plaintiff has given notice to the  
7           defendant that he will commence such action.

8   Notice under this subsection shall be given in such manner  
9   as the Administrator of the Environmental Protection  
10   Agency shall prescribe by regulation.

11          “(c) In an action under this section, the Administrator  
12   of the Environmental Protection Agency or, if appropriate,  
13   the Administrator of the Federal Aviation Administration,  
14   if not a party, may intervene as a matter of right.

15          “(d) The court, in issuing any final order in any action  
16   brought pursuant to subsection (a) of this section, may  
17   award costs of litigation (including reasonable attorney and  
18   expert witness fees) to any party, whenever the court deter-  
19   mines such an award is appropriate.

20          “(e) Nothing in this section shall restrict any right which  
21   any person (or class of persons) may have under any  
22   statute or common law to seek enforcement of any noise  
23   control requirement or to seek any other relief (including  
24   relief against an Administrator).

25          “(f) For purposes of this section, the term ‘noise control



1 *requirement' means any prohibition, standard, or require-*  
2 *ment under section 408, 411, 501, 503, 508, 511, or 521 of*  
3 *this Act or a prohibition, standard, rule, or regulation issued*  
4 *under section 611 of the Federal Aviation Act of 1958, as*  
5 *amended.*

6 "EMERGENCY SITUATIONS

7 "SEC. 414. (a) *The Administrator or the Attorney Gen-*  
8 *eral shall file, in a district court of the United States having*  
9 *venue thereof, an action against any product the noise emis-*  
10 *sions from which are an imminent and substantial endanger-*  
11 *ment to public health, or against any person who manufac-*  
12 *tures for sale, sells, or offers for sale, in commerce, or imports*  
13 *into the United States, such product. Such an action may be*  
14 *filed, notwithstanding the existence or nonexistence of a noise*  
15 *emission standard applicable to a product, or the pendency*  
16 *of administrative proceedings initiated pursuant to this Act.*

17 "(b) *The district court in which such action is filed shall*  
18 *have jurisdiction to declare such product a product the noise*  
19 *emissions from which are an imminent and substantial en-*  
20 *dangerment to public health, and to grant (as ancillary to*  
21 *such declaration or in lieu thereof) such temporary or per-*  
22 *manent equitable relief as may be necessary to protect the*  
23 *public from such risk. Such relief may include a mandatory*  
24 *order requiring the notification of the original purchasers of*  
25 *such product of such risk, public notice, the recall, the re-*

1 *purchase, the repair, the replacement, or the seizure of such*  
2 *product.*

3 "JUDICIAL REVIEW

4 "SEC. 415. *Any judicial review of final regulations*  
5 *promulgated under this Act shall be in accordance with sec-*  
6 *tions 701-706 of title 5 of the United States Code, except*  
7 *that:*

8 "(a) *a petition for review of action of the Adminis-*  
9 *trator in promulgating any standard or regulation under*  
10 *section 408, 501, 511, or 521 of this Act or any label-*  
11 *ing regulation under section 409 of this Act may be*  
12 *filed only in the United States Court of Appeals for the*  
13 *District of Columbia. Any such petition shall be filed*  
14 *within ninety days from the date of such promulgation, or*  
15 *after such date if such petition is based solely on grounds*  
16 *arising after such ninetieth day. Action of the Adminis-*  
17 *trator with respect to which review could have been ob-*  
18 *tained under this subsection shall not be subject to judicial*  
19 *review in civil proceedings for enforcement except as*  
20 *to whether the administrative and judicial procedures of*  
21 *this Act have been observed;*

22 "(b) *if a party seeking review under this Act applies*  
23 *to the court for leave to adduce additional evidence, and*  
24 *shows to the satisfaction of the court that the information*  
25 *is material and was not available at the time of the pro-*

1       ceeding before the Administrator, the court may order  
2       such additional evidence (and evidence in rebuttal there-  
3       of) to be taken before the Administrator, and to be ad-  
4       duced upon the hearing, in such manner and upon such  
5       terms and conditions as the court may deem proper. The  
6       Administrator may modify his findings as to the facts,  
7       or make new findings, by reason of the additional evi-  
8       dence so taken, and he shall file with the court such modi-  
9       fied or new findings, and his recommendation, if any,  
10      for the modification or setting aside of his original order,  
11      with the return of such additional evidence;

12       “(c) with respect to relief pending review of an ac-  
13      tion by the Administrator, no stay of an agency action  
14      may be granted unless the reviewing court determines  
15      that the party seeking such stay is (1) likely to prevail  
16      on the merits in the review proceeding and (2) will  
17      suffer irreparable harm pending such proceeding.

18       “RECORDS, REPORTS, AND INFORMATION

19       “SEC. 416. (a) Such manufacturer of a new product,  
20      aircraft, or aircraft engine to which standards or regulations  
21      under sections 408, 501, 503, 511, or 521 of this Act or  
22      regulations under section 409 apply shall (1) establish and  
23      maintain such records, make such reports, provide such in-  
24      formation, and make such tests, as the Administrator may  
25      reasonably require to enable him to determine whether such

1 manufacturer has acted or is acting in compliance with this  
2 Act, (2) upon request of an officer or employee duly desig-  
3 nated by the Administrator, permit such officer or employee  
4 at reasonable times to have access to such information and  
5 the results of such tests and to copy such records, and (3)  
6 make new products coming off the assembly line or otherwise  
7 in the hands of the manufacturer available for testing by  
8 the Administrator, to the extent required by regulations of  
9 the Administrator.

10       “(b) For the purpose of obtaining information to carry  
11 out titles IV and V of this Act, the Administrator may issue  
12 subpoenas for the attendance and testimony of witnesses and  
13 the production of relevant papers, books, and documents, and  
14 he may administer oaths. Witnesses summoned shall be paid  
15 the same fees and mileage that are paid witnesses in the courts  
16 of the United States. In cases of contumacy or refusal to  
17 obey a subpoena served upon any person under this subsec-  
18 tion, the district court of the United States for any district  
19 in which such person is found or resides or transacts busi-  
20 ness, upon application by the United States and after notice  
21 to such person, shall have jurisdiction to issue an order re-  
22 quiring such person to appear and give testimony before the  
23 Administrator, to appear and produce papers, books, and  
24 documents before the Administrator, or both, and any failure  
25 to obey such order of the court may be punished by such

1       “(c) Any records, reports, or information obtained un-  
2 der this section shall be available to the public, except that  
3 upon a showing satisfactory to the Administrator by any per-  
4 son that records, reports, or information or particular part  
5 thereof (other than noise emission data) to which the Admin-  
6 istrator has access under this section if made public, would  
7 divulge methods or processes entitled to protection as trade  
8 secrets of such person, the Administrator shall consider such  
9 record, report, or information or particular portion thereof  
10 confidential in accordance with the purposes of section 1905  
11 of title 18 of the United States Code, except that such record,  
12 report, or information may be disclosed to other officers, em-  
13 ployees, or authorized representatives of the United States  
14 concerned with carrying out this Act or when relevant in  
15 any proceeding under this Act. Nothing in this section shall  
16 authorize the withholding of information by the Adminis-  
17 trator or any officer or employee under his control, from the  
18 duly authorized committees of the Congress.

19       “(d) Any communication from a person to the Admin-  
20 istrator or any other employee of the Agency concerning a  
21 matter presently under consideration in a rulemaking or adju-  
22 dicatory proceeding in the Agency shall be made a part of the  
23 public file of that proceeding unless it is a communication  
24 entitled to protection under subsection (c) of this section.

25       “(e) Any person who knowingly makes any false

1 *statement, representation, or certification in any application,*  
2 *record, report, plan, or other document filed or required to be*  
3 *maintained under this Act or who falsifies, tampers with, or*  
4 *knowingly renders inaccurate any monitoring device or*  
5 *method required to be maintained under this Act, shall upon*  
6 *conviction, be punished by a fine of not more than \$10,000,*  
7 *or by imprisonment for not more than six months, or by*  
8 *both.*

9 *"FEDERAL PROCUREMENT*

10 *"SEC. 417. (a) No Federal agency may enter into any*  
11 *contract for the procurement of goods, materials, or services*  
12 *with any person, who has been convicted of a criminal offense*  
13 *under section 412(a) of this Act and who, upon considera-*  
14 *tion of the gravity of the violation and the good faith of the*  
15 *person charged in attempting to achieve rapid compliance,*  
16 *the Administrator determines should be subject to the prohi-*  
17 *bition of this section. The prohibition in the preceding sen-*  
18 *tence shall continue until the Administrator certifies that the*  
19 *condition giving rise to a conviction has been corrected.*

20 *"(b) The Administrator shall establish procedures to*  
21 *provide all Federal agencies with the notification necessary*  
22 *for the purposes of subsection (a) of this section.*

23 *"(c) In order to implement the purposes and policy of*  
24 *this Act, the President shall, not more than one hundred and*  
25 *eighty days after its enactment, cause to be issued an order*

1   (1) requiring each Federal agency authorized to enter into  
2   contracts and each Federal agency which is empowered to  
3   extend Federal assistance by way of grant, loan, or contract  
4   to effectuate the purposes and policy of this Act in such  
5   contracting or assistance activities, and (2) setting forth  
6   procedures, sanctions, penalties, and such other provisions,  
7   as the President determines necessary to carry out such  
8   requirement.

9       “(d) The President may exempt any contract, loan, or  
10   grant from all or part of the provisions of this section where  
11   he determines such exemption is necessary in the paramount  
12   interest of the United States, and he shall notify the Congress  
13   of such exemption.

14       “GRANTS FOR SUPPORT OF ENVIRONMENTAL NOISE

15               PLANNING AND CONTROL PROGRAMS

16       “SEC. 418. (a)(1). The Administrator may make  
17   grants to environmental noise control agencies in an amount  
18   up to two-thirds of the cost of planning, developing, estab-  
19   lishing, or improving, and up to one-half of the cost of main-  
20   taining programs for the prevention and control of environ-  
21   mental noise.

22       “(2) Before approving any grant under this subsection to  
23   any environmental noise control agency within the meaning of  
24   sections 404(k)(3) and 404(k)(4) of this Act, the Admin-  
25   istrator (when appropriate) shall receive assurances that such

1 *agency provides for adequate representation of State, inter-*  
2 *state, local, and international interests in its area of jurisdic-*  
3 *tion. Before approving any grant under this subsection the*  
4 *Administrator shall determine that the recipient is the appro-*  
5 *priate environmental noise control agency for the jurisdictions*  
6 *involved in order to minimize overlap and duplication of effort.*

7       “(3) *Before approving any planning grant under this*  
8 *subsection to any environmental noise control agency within*  
9 *the meaning of sections 404(k)(3) and 404(k)(4) of this*  
10 *Act, the Administrator shall receive assurances that such*  
11 *agency has the capability of developing and enforcing a com-*  
12 *prehensive environmental noise control plan.*

13       “(4) *Before approving any grant for purposes other than*  
14 *developing a program under this section to any environmental*  
15 *noise control agency within the meaning of section 404 of this*  
16 *Act, the Administrator shall determine that such agency has the*  
17 *authority—*

18               “(A) *to regulate the location, modification, and con-*  
19 *struction of any facilities within the area of jurisdiction of*  
20 *such agency which may result in the generation of environ-*  
21 *mental noise; and*

22               “(B) *to assure that the use of any product in the*  
23 *area of jurisdiction of such agency will not exceed*  
24 *applicable noise control levels;*

25               “(C) *to (i) identify, if appropriate, sources of*



1        *environmental noise within the jurisdiction of such agen-*  
 2        *cy, and (ii) set forth procedures, processes, and methods*  
 3        *(including land use requirements and design and con-*  
 4        *struction standards) to control such sources to the extent*  
 5        *feasible;*

6            *“(D) to acquire, maintain, and operate noise moni-*  
 7        *toring facilities in the field and otherwise, making public*  
 8        *reports of noise emissions and levels of environmental*  
 9        *noise disclosed by such monitoring, which reports shall*  
 10       *be related to any applicable standards or limitations;*  
 11       *and*

12           *“(E) to issue abatement orders.*

13        *“(b) From the sums available for the purposes of sub-*  
 14        *section (a) of this section for any fiscal year, the Admin-*  
 15        *istrator shall from time to time make grants to environmental*  
 16        *noise control agencies upon such terms and conditions as the*  
 17        *Administrator may find necessary to carry out the purposes*  
 18        *of this section. In establishing regulations for the granting of*  
 19        *such funds the Administrator shall, so far as practicable, give*  
 20        *due consideration to (1) the population, (2) the extent of the*  
 21        *actual or potential environmental noise problem, and (3) the*  
 22        *financial need of the respective agencies. No agency shall*  
 23        *receive any grant under this section with respect to the main-*  
 24        *tenance of a program for the prevention and control of envi-*

1    *ronmental noise unless the Administrator is satisfied that such*  
2    *grant will be so used as to supplement and, to the extent prac-*  
3    *ticable, increase the level of State, local, or other non-Federal*  
4    *funds that would in the absence of such grant be made avail-*  
5    *able for the maintenance of such program, and will in no*  
6    *event supplant such State, local, or other non-Federal funds.*  
7    *No grant shall be made under this section until the Admin-*  
8    *istrator has consulted with the appropriate official as desig-*  
9    *nated by the Governor or Governors of the State or States*  
10   *affected.*

11        *“(c) Not more than 10 per centum of the total funds*  
12   *appropriated or allocated for the purposes of subsection (a)*  
13   *of this section shall be granted for environmental noise con-*  
14   *trol programs in any one State. In the case of a grant for a*  
15   *program in an area crossing State boundaries, the Admin-*  
16   *istrator shall determine the portion of such grant that is*  
17   *chargeable to the percentage limitation under this subsection*  
18   *for each State into which such area extends.*

19        *“(d) The Administrator, with the concurrence of any*  
20   *recipient of a grant under this section, may reduce the pay-*  
21   *ments to such recipient by the amount of the pay, allowances,*  
22   *traveling expenses, and any other costs in connection with*  
23   *the detail of any officer or employee to the recipient under*  
24   *section 403(c) of this Act, when such detail is for the con-*  
25   *venience of, and at the request of, such recipient and for the*

1 purposes of carrying out the provisions of this Act. The  
2 amount by which such payments have been reduced shall be  
3 available for payment of such costs by the Administrator, but  
4 shall, for the purpose of determining the amount of any grant  
5 to a recipient under subsection (a) of this section, be deemed  
6 to have been paid to such agency.

7 “(e) There is authorized to be appropriated for this  
8 section \$5,000,000 for fiscal year ending June 30, 1973,  
9 \$7,500,000 for the fiscal year ending June 30, 1974, and  
10 \$10,000,000 for the fiscal year ending June 30, 1975.

11 “DEVELOPMENT OF LOW-NOISE-EMISSION PRODUCTS

12 “SEC. 419. (a) For the purpose of this section:

13 “(1) The term ‘Committee’ means the Low-Noise-  
14 Emission Product Advisory Committee.

15 “(2) The term ‘Federal Government’ includes the  
16 legislative, executive, and judicial branches of the Gov-  
17 ernment of the United States, and the government of the  
18 District of Columbia.

19 “(3) The term ‘low-noise-emission product’ means  
20 any product which emits noise in amounts significantly  
21 below the levels of other products in the competitive mar-  
22 ket for such product at the time of procurement.

23 “(4) The term ‘retail price’ means (A) the maxi-  
24 mum statutory price applicable to any type of product;  
25 or (B) in any case where there is no applicable maxi-

1        *mum statutory price, the most recent procurement price*  
2        *paid for any type of product.*

3        *“(b) (1) The Administrator shall determine which prod-*  
4        *ucts qualify as low-noise-emission products in accordance*  
5        *with the provisions of this section.*

6        *“(2) The Administrator shall certify any product—*

7            *“(A) for which a certification application has been*  
8        *filed in accordance with paragraph (5) (A) of this sub-*  
9        *section;*

10            *“(B) which is a low-noise-emission product as de-*  
11        *termined by the Administrator; and*

12            *“(C) which he determines is suitable for use as a*  
13        *substitute for a type of product at that time in use by*  
14        *agencies of the Federal Government.*

15        *“(3) The Administrator may establish a Low-Noise-*  
16        *Emission Product Advisory Committee to assist him in de-*  
17        *termining which products qualify as low-noise-emission prod-*  
18        *ucts for purposes of this section. The Committee shall in-*  
19        *clude the Administrator or his designee, a representative of*  
20        *the National Bureau of Standards, and representatives of*  
21        *such other Federal agencies and private individuals as the*  
22        *Administrator may deem necessary from time to time. Any*  
23        *member of the Committee not employed on a full-time basis*  
24        *by the United States may receive the daily equivalent of the*  
25        *annual rate of basic pay in effect for grade GS-18 of the*

1 *General Schedule for each day such member is engaged upon*  
2 *work of the Committee. Each member of the Committee*  
3 *shall be reimbursed for travel expenses, including per diem*  
4 *in lieu of subsistence as authorized by section 5703 of title 5,*  
5 *United States Code, for persons in the Government service*  
6 *employed intermittently.*

7       “(4) *Certification under this section shall be effective for*  
8 *a period of one year from the date of issuance.*

9       “(5)(A) *Any person seeking to have a class or model*  
10 *of product certified under this section shall file a certification*  
11 *application in accordance with regulations prescribed by the*  
12 *Administrator.*

13       “(B) *The Administrator shall publish in the Federal*  
14 *Register a notice of each application received.*

15       “(C) *The Administrator shall make determinations for*  
16 *the purpose of this section in accordance with procedures*  
17 *prescribed by him by regulation.*

18       “(D) *The Administrator shall conduct whatever investi-*  
19 *gation is necessary, including actual inspection of the product*  
20 *at a place designated in regulations prescribed under sub-*  
21 *paragraph (A).*

22       “(E) *The Administrator shall receive and evaluate writ-*  
23 *ten comments and documents from interested persons in*  
24 *support of, or in opposition to, certification of the class or*  
25 *model of product under consideration.*

1       “(F) Within ninety days after the receipt of a properly  
2       filed certification application the Administrator shall deter-  
3       mine whether such product is a low-noise-emission product  
4       for purposes of this section. If the Administrator determines  
5       that such product is a low-noise-emission product, then with-  
6       in one hundred and eighty days of such determination the  
7       Administrator shall reach a decision as to whether such  
8       product is a suitable substitute for any class or classes of  
9       products presently being purchased by the Federal Govern-  
10      ment for use by its agencies.

11       “(G) Immediately upon making any determination or  
12      decision under subparagraph (F), the Administrator shall  
13      publish in the Federal Register notice of such determination  
14      or decision, including reasons therefor.

15       “(c) (1) Certified low-noise-emission products shall be  
16      acquired by purchase or lease by the Federal Government  
17      for use by the Federal Government in lieu of other products  
18      if the Administrator of General Services determines that  
19      such certified products have procurement costs which are  
20      no more than 125 per centum of the retail price of the  
21      least expensive type of product for which they are certified  
22      substitutes.

23       “(2) Data relied upon by the Administrator in deter-  
24      mining that a product is a certified low-noise-emission

1 *product shall be incorporated in any contract for the procure-*  
2 *ment of such product.*

3       “(d) *The procuring agency shall be required to purchase*  
4 *available certified low-noise-emission products which are*  
5 *eligible for purchase to the extent they are available before*  
6 *purchasing any other products for which any low-noise-*  
7 *emission product is a certified substitute. In making pur-*  
8 *chasing selections between competing eligible certified low-*  
9 *noise-emission products, the procuring agency shall give*  
10 *priority to any class or model which does not require ex-*  
11 *tensive periodic maintenance to retain its low-noise-emis-*  
12 *sion qualities or which does not involve operating costs*  
13 *significantly in excess of those products for which it is a*  
14 *certified substitute.*

15       “(e) *For the purpose of procuring certified low-noise-*  
16 *emission products any statutory price limitations shall be*  
17 *waived.*

18       “(f) *The Administrator shall, from time to time as he*  
19 *deems appropriate, test the emissions of noise from certified*  
20 *low-noise-emission products purchased by the Federal Gov-*  
21 *ernment. If at the time of purchase he finds that the noise-*  
22 *emission levels exceed the levels on which certification under*  
23 *this section was based, the Administrator shall give the sup-*  
24 *plier of such product written notice of this finding, issue*

1 public notice of it, and give the supplier an opportunity to  
2 make necessary repairs, adjustments, or replacements. If no  
3 such repairs, adjustments, or replacements are made within a  
4 period to be set by the Administrator, he may order the  
5 supplier to show cause why the product involved should  
6 be eligible for recertification.

7 “(g) There are authorized to be appropriated for paying  
8 additional amounts for products pursuant to, and for carry-  
9 ing out the provisions of, this section, \$1,000,000 for the fiscal  
10 year ending June 30, 1973, and \$2,000,000 for each of the  
11 two succeeding fiscal years.

12 “(h) The Administrator shall promulgate the procedures  
13 required to implement this section within one hundred and  
14 eighty days after the date of enactment of this section.

15 “AUTHORIZATION OF APPROPRIATIONS

16 “SEC. 420. There are authorized to be appropriated to  
17 carry out this Act (other than sections 418 and 419)  
18 \$18,000,000 for the fiscal year ending June 30, 1973;  
19 \$36,000,000 for the fiscal year ending June 30, 1974; and  
20 \$50,000,000 for the fiscal year ending June 30, 1975.”

21 SEC. 3. The Clean Air Act is amended to add a new  
22 title V as follows:



1           *"TITLE V—MAJOR MOVING SOURCES*

2           *"PART A—CONTROL AND ABATEMENT OF AIRCRAFT*

3                     *NOISE AND SONIC BOOM*

4           *"SEC. 501. (a) In order to afford present and future*  
5 *relief and provide protection to public health and welfare*  
6 *from aircraft noise and sonic boom—*

7                     *"(1) the Administrator of the Environmental Pro-*  
8 *tection Agency, after consultation with the Adminis-*  
9 *trator of the Federal Aviation Administration, shall*  
10 *promulgate and amend standards for the measurement of*  
11 *aircraft and aircraft engine noise and sonic boom; and*

12                     *"(2) the Administrator of the Environmental Pro-*  
13 *tection Agency shall promulgate and amend regula-*  
14 *tions with respect to noise emissions from aircraft and*  
15 *aircraft engines which in his judgment are adequate to*  
16 *protect the public health and welfare with an adequate*  
17 *margin of safety.*

18                     *"(b)(1) Any regulations under this section, or amend-*  
19 *ments thereto, with respect to noise emissions from types of*  
20 *aircraft or aircraft engines, shall reflect the degree of noise*  
21 *reduction achievable through the application of the best avail-*  
22 *able demonstrated technology, taking into account the cost of*

1 *compliance, as determined by the Administrator of the En-*  
2 *vironmental Protection Agency and the Administrator of the*  
3 *Federal Aviation Administration, and shall not be promul-*  
4 *gated until the Administrator of the Federal Aviation Ad-*  
5 *ministration has determined that such regulations are con-*  
6 *sistent with the highest degree of safety in air commerce and*  
7 *that any proposed standard, rule, or regulation has been*  
8 *demonstrated to be technologically available for application to*  
9 *types of aircraft, aircraft engine, appliance, or certificate to*  
10 *which it will apply.*

11 *“(2) All standards, rules, and regulations prescribed*  
12 *pursuant to section 611 of the Federal Aviation Act, as*  
13 *amended, prior to the date of enactment of the Environmental*  
14 *Noise Control Act of 1972 shall remain in effect until*  
15 *amended or revoked by subsequent standards, rules, or regu-*  
16 *lations promulgated and approved pursuant to this part.*

17 *“(c) Each Federal agency with regulatory authority*  
18 *over air commerce, aircraft or airport operations, or aircraft*  
19 *noise emissions, including the Civil Aeronautics Board, the*  
20 *Federal Aviation Administration, and the Environmental*  
21 *Protection Agency, shall exercise such regulatory authority so*  
22 *as to reduce noise in airport environments and surrounding*  
23 *areas.*

24 *“SEC. 502. The Administrator of the Environmental*  
25 *Protection Agency, after consultation with appropriate Fed-*

1 eral, State, and local agencies and interested individuals, shall  
2 conduct a study of the (a) adequacy of Federal Aviation Ad-  
3 ministration flight and operational noise controls; (b) ade-  
4 quacy of noise emission standards on new and existing  
5 aircraft, together with recommendations on the retrofitting  
6 and phaseout of existing aircraft; (c) implications of identi-  
7 fying and achieving levels of cumulative noise exposure  
8 around airports; and (d) additional measures available to  
9 airport operators and local governments to control aircraft  
10 noise. He shall report on such study to the Committee on In-  
11 terstate and Foreign Commerce of the House of Representa-  
12 tives and the Committees on Commerce and Public Works of  
13 the Senate within one year after enactment of this title, to-  
14 gether with his recommendations for legislation.

15       “SEC. 503. (a) The Administrator of the Federal Avia-  
16 tion Administration, after consultation with the Adminis-  
17 trator of the Environmental Protection Agency, shall promul-  
18 gate regulations to insure compliance with all standards  
19 promulgated by the Administrator under section 501 of this  
20 Act. The regulations of the Secretary of Transportation shall  
21 include provisions making such standards respecting noise  
22 emissions from any type of aircraft applicable in the issu-  
23 ance, amendment, modification, suspension, or revocation of  
24 any certificate authorized by the Federal Aviation Act, as  
25 amended, or the Department of Transportation Act, as

1 amended. Such Secretary shall insure that all necessary in-  
2 spections are accomplished, and may execute any power or  
3 duty vested in him by any other provision of law in the execu-  
4 tion of all powers and duties vested in him under this section.

5 “(b) In any action to amend, modify, suspend, or re-  
6 voke a certificate in which violation of aircraft noise or sonic  
7 boom standards, rules, or regulations applied to aircraft or  
8 aircraft engines existing on the date of enactment of the  
9 Environmental Noise Control Act of 1972, is at issue, the cer-  
10 tificate holder shall have the same notice and appeal rights  
11 as are contained in section 609 of the Federal Aviation Act,  
12 as amended, except that in any appeal to the National  
13 Transportation Safety Board, the Board may amend, modify,  
14 or revoke the order of the Secretary of Transportation only  
15 if it finds no violation of such standards, rules, or regula-  
16 tions, and that such amendment, modification, or revocation  
17 by the Board is consistent with safety in air transportation.

18 “SEC. 504. The Administrator of the Federal Aviation  
19 Administration shall not issue a type certificate under section  
20 603(a) of the Federal Aviation Act, as amended, for any  
21 aircraft, or for any aircraft engine, propeller, or appliance  
22 that affects significantly the noise or sonic boom character-  
23 istics of any aircraft, after July 1, 1973, unless standards,  
24 rules, and regulations under this part which apply to such  
25 aircraft, aircraft engine, propeller, or appliance have been

1       *"SEC. 505. The Administrator of the Environmental*  
 2 *Protection Agency, within nine months of the date of enact-*  
 3 *ment of this Act, shall review all standards, rules, or regula-*  
 4 *tions (or any proposed standard, rule, or regulation) in ef-*  
 5 *fect under section 611 of the Federal Aviation Act, as*  
 6 *amended, prior to the date of enactment of this title. If he de-*  
 7 *termines after public hearings, that such standards, rules, or*  
 8 *regulations do not comply with section 501(b)(1) of this Act,*  
 9 *within twelve months of the date of enactment of this title*  
 10 *he shall revise such standard, rule, or regulation, in accord-*  
 11 *ance with section 501(b) of this Act.*

12       *"SEC. 506. No State or political subdivision thereof may*  
 13 *adopt or attempt to enforce any standard respecting noise*  
 14 *emissions from any aircraft or engine thereof unless such*  
 15 *standard is identical to a standard applicable to such aircraft*  
 16 *under this part.*

17       *"SEC. 507. Terms used in this part (other than Ad-*  
 18 *ministrator) shall have the same meaning as such terms have*  
 19 *under section 101 of the Federal Aviation Act of 1958, as*  
 20 *amended.*

21                   *"CIVIL AIRCRAFT SONIC BOOM*

22       *"SEC. 508. (a) No person may operate a civil aircraft*  
 23 *over the territory of the United States, the territorial sea of*  
 24 *the United States, or the waters of the contiguous zone (as*  
 25 *defined under Article 24 of the Conservation of the Terri-*

1 *torial Sea and the Contiguous Zone) at a true flight mach*  
2 *number greater than 1 except in compliance with the condi-*  
3 *tions and limitations in an authorization to exceed mach 1*  
4 *issued to the operator under this section.*

5 *“(b) For a research and development flight in a desig-*  
6 *nated flight test area an authorization to exceed mach 1*  
7 *may be issued if the applicant shows one or more of the*  
8 *following:*

9 *“(1) The flight is necessary to show compliance*  
10 *with an airworthiness regulation or is necessary for*  
11 *aircraft development.*

12 *“(2) The flight is necessary to determine the sonic*  
13 *boom characteristics of the airplane, or is necessary*  
14 *to establish means of reducing or eliminating the effects*  
15 *of sonic boom.*

16 *“(3) The flight is necessary to demonstrate the*  
17 *conditions and limitations under which speeds greater*  
18 *than a true flight mach number of 1 will not cause a*  
19 *sonic boom to reach the land or water surface of the*  
20 *earth.*

21 *“(c) An application for an authorization to exceed mach*  
22 *1 must be made on a form and in a manner prescribed by*  
23 *the Administrator of the Environmental Protection Agency.*  
24 *In addition, for an authorization covered by subsection (b)*  
25 *of this section, each application must contain—*

1           “(1) information showing that operation at speeds  
2           greater than mach 1 is necessary to accomplish one of the  
3           purposes specified in subsection (b) of this section;

4           “(2) a description of the flight test area proposed  
5           by the applicant; and

6           “(3) conditions and limitations that insure that no  
7           sonic boom will reach the land or water surface outside  
8           of the designated flight test area.

9           “(d) An application for an authorization to exceed mach  
10          1 shall be denied whenever the Administrator of the Environ-  
11          mental Protection Agency finds that such research and devel-  
12          opment flight or flights may adversely affect public health or  
13          welfare or the quality of the environment.

14          “(e) An authorization to exceed mach 1 is effective  
15          until it expires, or until it is surrendered, and shall be termi-  
16          nated by the Administrator whenever he finds that such  
17          action is necessary to protect public health or welfare or the  
18          quality of the environment.

19          “(f) Any violation of this section shall be subject to the  
20          penalties prescribed under subsection (a) of section 412 of  
21          this Act.

22          “PART B—RAILROAD NOISE EMISSION STANDARDS

23          “SEC. 511. (a) Within nine months after the date of  
24          enactment of this title, the Administrator shall publish pro-  
25          posed noise emission regulations for surface carriers engaged

1 *in interstate commerce by railroad. Such proposed regulations*  
2 *shall include noise emission standards setting such limits on*  
3 *noise emissions resulting from operation of the equipment and*  
4 *facilities of surface carriers engaged in interstate commerce*  
5 *by railroad which reflect the degree of noise reduction*  
6 *achievable through the application of the best available*  
7 *technology, taking into account the cost of compliance. These*  
8 *regulations shall be in addition to any regulations that may*  
9 *be proposed under section 408 of this Act.*

10 *“(b) Within ninety days after the publication of such*  
11 *regulations as may be proposed under subsection (a) of this*  
12 *section, and subject to the provisions of section 415 of this*  
13 *Act, the Administrator shall promulgate final regulations.*  
14 *Such regulations may be revised from time to time, in*  
15 *accordance with this section.*

16 *“(c) Any standard or regulation, or revision thereof, pro-*  
17 *posed under this section shall be promulgated only after*  
18 *consultation with the Secretary of Transportation in order*  
19 *to assure appropriate consideration for safety and technolog-*  
20 *ical availability.*

21 *“(d) Any regulation or revision thereof promulgated*  
22 *under this section shall take effect after such period as the*  
23 *Administrator finds necessary, after consultation with the*  
24 *Secretary of Transportation, to permit the development and*  
25 *application of the requisite technology, giving appropriate*  
26 *consideration to the health and safety of the community.*



1       “SEC. 512. The Secretary of Transportation, after con-  
2       sultation with the Administrator, shall promulgate regulations  
3       to insure compliance with all standards promulgated by the  
4       Administrator under section 511 of this Act. The Secretary  
5       of Transportation shall carry out such regulations through  
6       the use of his powers and duties of enforcement and inspec-  
7       tion authorized by the Safety Appliance Acts, the Interstate  
8       Commerce Act, and the Department of Transportation Act.  
9       Regulations promulgated under this section and section 511  
10      of this part shall be subject to the provisions of sections 411,  
11      412, 413, 415, and 416 of this Act.

12      “SEC. 513. Notwithstanding any other provision of this  
13      Act, after the effective date of regulations under this part, no  
14      State or political subdivision thereof may adopt or enforce  
15      any standard respecting noise emissions resulting from the  
16      operation of equipment or facilities of surface carriers en-  
17      gaged in interstate commerce by railroad unless such stand-  
18      ard is identical to a standard applicable to noise emissions  
19      resulting from such operation prescribed by any regulation  
20      under this section: Provided, however, That nothing in this  
21      section shall diminish or enhance the rights of any State or  
22      political subdivision thereof to establish and enforce stand-  
23      ards or controls on levels of environmental noise, or to control,  
24      license, regulate, or restrict the use, operation, or movement  
25      of any product as the Administrator, after consultation with

1 *the Secretary of Transportation may determine to be not*  
2 *in conflict with regulations promulgated under this part.*

3 *“SEC. 514. The terms ‘carrier’ and ‘railroad’ as used in*  
4 *sections 511, 512, and 513 of this part shall have the same*  
5 *meaning as such terms have under section 22 of title 45 of*  
6 *the United States Code.*

7 *“PART C—MOTOR CARRIER NOISE EMISSION*  
8 *STANDARDS*

9 *“SEC. 521. (a) Within nine months after the date of*  
10 *enactment of this title, the Administrator shall publish*  
11 *proposed noise emission regulations for motor carriers en-*  
12 *gaged in interstate commerce. Such proposed regulations*  
13 *shall include noise emission standards setting such limits on*  
14 *noise emissions resulting from operation of motor carriers*  
15 *engaged in interstate commerce which reflect the degree of*  
16 *noise reduction achievable through the application of the best*  
17 *available technology, taking into account the cost of compli-*  
18 *ance. These regulations shall be in addition to any regula-*  
19 *tions that may be proposed under section 408 of this Act.*

20 *“(b) Within ninety days after the publication of such*  
21 *regulations as may be proposed under subsection (a) of*  
22 *this section, and subject to the provisions of section 415 of*  
23 *this Act, the Administrator shall promulgate final regula-*  
24 *tions. Such regulations may be revised from time to time, in*  
25 *accordance with this section.*

1       “(c) Any standard or regulation, or revision thereof,  
2       proposed under this section shall be promulgated only after  
3       consultation with the Secretary of Transportation in order  
4       to assure appropriate consideration for safety and techno-  
5       logical availability.

6       “(d) Any regulation or revision thereof promulgated  
7       under this section shall take effect after such period as the  
8       Administrator finds necessary, after consultation with the  
9       Secretary of Transportation, to permit the development and  
10      application of the requisite technology, giving appropriate  
11      consideration to the cost of compliance within such period.

12      “SEC. 522. The Secretary of Transportation, after con-  
13      sultation with the Administrator shall promulgate regulations  
14      to insure compliance with all standards promulgated by the  
15      Administrator under section 521 of this part. The Secretary  
16      of Transportation shall carry out such regulations through  
17      the use of his powers and duties of enforcement and inspection  
18      authorized by the Interstate Commerce Act and the Depart-  
19      ment of Transportation Act. Regulations promulgated under  
20      this section and section 521 of this part shall be subject to the  
21      provisions of sections 411, 412, 413, 415, and 416 of this  
22      Act.

23      “SEC. 523. Notwithstanding any other provision of this  
24      Act, after the effective date of regulations under this part no  
25      State or political subdivision thereof may adopt or enforce

1 any standard respecting noise emissions resulting from the  
2 operation of motor carriers engaged in interstate commerce  
3 unless such standard is identical to a standard applicable to  
4 noise emissions resulting from such operation prescribed by  
5 any regulation under this section: Provided, however, That  
6 nothing in this section shall diminish or enhance the rights of  
7 any State or political subdivision thereof to establish and  
8 enforce standards or controls on levels of environmental noise,  
9 or to control, license, regulate, or restrict the use, operation,  
10 or movement of any product as the Administrator, after con-  
11 sultation with the Secretary of Transportation, may deter-  
12 mine to be not in conflict with regulations promulgated under  
13 this part.

14 "SEC. 524. The term 'motor carrier' as used in sections  
15 521, 522, and 523 of this part shall have the same meaning  
16 as those terms as defined in section 303(a) (14), (15),  
17 and (17) of title 49 of the United States Code."

18 SEC. 4. There is hereby authorized to be transferred to  
19 the Administrator any function or personnel of the Depart-  
20 ment of Transportation with respect to the control and abate-  
21 ment of aircraft noise which the President determines is nec-  
22 essary to carry out section 3 of this Act.

Amend the title so as to read: "A bill to amend title IV and to add a new title V to the Clean Air Act, and for other purposes."

Calendar No. 1105

92<sup>nd</sup> CONGRESS  
2<sup>nd</sup> Session

**S. 3342**

[Report No. 92-1160]

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**A BILL**

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To amend title IV of the Clean Air Act, and for  
other purposes.

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By Mr. TUNNEY and Mr. MUSKIE

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MARCH 14, 1972

Read twice and referred to the Committee on Public  
Works

SEPTEMBER 19, 1972

Reported with amendments

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Virginia Air Pollution Control Law

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